

FEDERAL REGISTER



VOLUME 22

NUMBER 11

Washington, Wednesday, January 16, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (16) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior—*

(a) *Office of the Secretary.* * * *

(16) One Deputy Executive Director, President's Council on Youth Fitness.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-282; Filed, Jan. 15, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6197]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE BLANTON CO.

Subpart—*Advertising falsely or misleadingly: § 13.30 Composition of goods: Oleomargarine amendment to FTC Act.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46, Interprets or applies sec. 5, 38 Stat. 719, as amended, sec. 15, 64 Stat. 20-21; 15 U. S. C. 45, 55) [Cease and desist order, The Blanton Company, St. Louis, Mo., Docket 6197, December 26, 1956]

The complaint in this matter charged a corporate manufacturer of "Creamo" margarine in St. Louis, Mo., with violating the Oleomargarine Amendment to the Federal Trade Commission Act by disseminating advertisements in newspapers and periodicals, and by radio and television, which suggested, by use of the word "Creamo" as part of a brand or trade name, and the words "cream", "sweet fresh cream", etc., that said oleomargarine was a dairy product.

The hearing examiner's dismissal of the complaint on the ground of insufficient evidence was remanded by the Commission on appeal, for further proceedings. Instead of presenting additional evidence, however, counsel for the parties agreed on a consent order, and on that basis the hearing examiner issued his second initial decision, including order to cease and desist, which was adopted by the Commission. Shortly thereafter, the Commission reconsidered and again remanded the matter for further proceedings which were had in due course.

Thereafter, the hearing examiner again submitted an initial decision, including findings and order to cease and desist, which by order of December 26 was modified and, as so modified, adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, The Blanton Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof, which represents or suggests that such oleomargarine or margarine is a dairy product: *Provided, however,* That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate, and full statement in any such advertisement of all the ingredients contained in such product.

2. Disseminating or causing to be disseminated, as described in Paragraph 1 of this order, any advertisement in which the word or words "cream", "sweet fresh cream", "pure cream", "cream-enriched", "sweet light cream", "milk" or "sweet fresh milk" are used, except as a part of a truthful, accurate and full statement of all the ingredients con-

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tained in said product and as described in the foregoing proviso.

3. Disseminating or causing to be disseminated, as described in Paragraph 1 of this order, any advertisement of oleomargarine or margarine in which the word "Creamo" is used as a part of or as a trade, brand or corporate name, unless, in connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating the product as oleomargarine or margarine and designating all the constituent ingredients.

4. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains any of the representations prohibited in Paragraphs 1, 2 and 3 of this order.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in the initial decision, as modified.

Issued: December 26, 1956.

By the Commission, Commissioner Kern not participating.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-295; Filed, Jan. 15, 1957; 8:48 a. m.]

[Docket 6537]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL BUSINESS AND PROPERTY EXCHANGE, INC., ET AL.

Subpart—Advertising falsely or misleadingly: §13.15 Business status, advantages, or connections: Connections or arrangements with others; nature; §13.110 Indorsements, approval, or awards: §13.135 Nature: Product or service; §13.190 Results; §13.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Business

status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1490 Nature, in general; [Misrepresenting oneself and goods]—Goods: § 13.1665 Indorsements; § 13.1685 Nature: By misleading trade or corporate name; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Using misleading name—Vendor: § 13.2425 Nature, in general.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Business and Property Exchange, Inc., et al., Los Angeles, Calif., Docket 6357, December 27, 1956]

In the Matter of National Business and Property Exchange, Inc., a Corporation, and Alexander Haagen (Erroneously Referred to in the Complaint as Alexander Hagen) and Michael M. Fodor, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Los Angeles publisher engaged in the sale of advertising in its magazine-type catalog listing real estate for sale or exchange designated "National Buyers' Guide," with representing falsely, through use of the name "National Business and Property Exchange" and also through representations in magazines and newspapers and broadcast by radio, that they were engaged in the buying, selling, and exchange of business and other property; and with making false representations through agents as to the advantages to be obtained by prospects in listing properties with them.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents National Business and Property Exchange, Inc., a corporation (now known as U. S. Buyers' Report, Inc., a corporation), and its officers, and Alexander Haagen (erroneously referred to in the complaint as Alexander Hagen) and Michael M. Fodor, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising in their publication or catalog designated as "National Buyers' Guide," or any other publication or catalog, to the public in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Business and Property Exchange" or any other word or words of similar import as a part of any corporate or trade name, or representing in any manner that they are engaged in the buying, selling or exchanging of real estate or any other property.

(2) Representing directly or by implication:

(a) That the "Confidential Report of Buyers" (now known as "U. S. Buyers' Report"), published by respondents, is a list of prospective buyers for any specific property, or that the names listed in said publication are a screened or hand-picked list of prospective buyers for a specific parcel of property, or are known to respondents or their agents or representatives as having cash ready to buy the specific property of persons who purchase respondents' advertising.

(b) That respondents will advertise the property of purchasers of their advertising in nationally distributed or well-known magazines, or over the radio, or in any other manner.

(c) That real estate brokers who subscribe to "National Buyers' Guide" published by respondents, will undertake to sell the specific parcel of property of a purchaser of advertising in "National Buyers' Guide".

(d) That brokers use respondents' "Confidential Report of Buyers" or "U. S. Buyers' Report" to sell the property of purchasers of respondents' advertising.

(e) That the property of respondents' advertisers will be sold in any event, or within a certain specified time, or before the payment for such advertising becomes due.

(f) That Governors of States, Congressmen and other notables, or any other persons, are connected with or endorse respondents' business, unless such is the fact.

(g) That a purchaser is immediately available to buy the specific parcel of property of one who purchases respondents' advertising.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-296; Filed, Jan. 15, 1957; 8:49 a. m.]

[Docket 6359]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NUTRITION ENTERPRISES

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.25 Competitors and their products: Competitors' products; § 13.170 Qualities or properties of product or service; § 13.205 Scientific or other relevant facts. Subpart—Disparaging competitors and their products—com-

petitors' products: § 13.1010 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lelord E. Kordel trading as Nutrition Enterprises, Detroit, Mich., Docket 6359, December 27, 1956]

In the Matter of Lelord E. Kordel, Trading Under the Name of Nutrition Enterprises

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Detroit, Michigan, seller with making false representations in advertising in newspapers, circulars, etc., as to the nutritional and healthful qualities of his "Super-Nutriway" mineral and vitamin preparation, and its superior freshness and excellence in comparison with competitive products—and an agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Lelord E. Kordel, trading under the name of Nutrition Enterprises or any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation Super-Nutriway, or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That vitamins as usually purchased at retail establishments are stale or have lost their potency;

(b) That the vitamin preparation Super-Nutriway is fresher or more nutritious than other vitamin preparations or products;

(c) That all ingredients in the preparation Super-Nutriway are nutritional elements.

2. Disseminating, or causing to be disseminated any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the preparation Super-Nutriway in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which he has complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-297; Filed, Jan. 15, 1957;
8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Depart- ment of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2).
Amdt. 4 of January 11, 1957]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

CHANGE IN LIST A

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment supersedes Amendment 3 of December 18, 1956 to BDSA (formerly NPA) Reg. 2. It effects BDSA Reg. 2 as heretofore amended by excluding copper-base alloy shot and waffle containing 3 percent or more nickel (by weight) from the category of copper raw materials not subject to ratings.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2), as amended by Amendment 3 of December 18, 1956, is hereby further amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA and therefore no rating shall be effective to obtain any of them:

Communications services.

Copper raw materials as that term is defined in BDSA Order M-11A (as the same may be amended from time to time), except copper-base alloy ingot, shot and waffle (as defined in that order) containing 3 percent or more of nickel (by weight).

Crushed stone.

Gravel.

Sand.

Scrap.

Slag.

Steam heat, central.

Waste paper.

Water.

Wood pulp.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect January 11, 1957.

BUSINESS AND DEFENSE
SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-287; Filed, Jan. 15, 1957;
8:47 a. m.]

TITLE 47—TELECOMMUNI- CATION

Chapter I—Federal Communications Commission

[Docket No. 11861; FCC 57-38]

[Rules Amdt. 3-51]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations (Aguadilla, Puerto Rico).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on November 2, 1956 (FCC 56-1067), and published in the FEDERAL REGISTER on November 7, 1956 (21 F. R. 8543), proposing to shift Channel 13 from Arecibo to Aguadilla, Puerto Rico in response to a petition for rule making filed by Hector Reichard.

2. No comments opposing the proposed amendment of the television Table of Assignments were filed. In support of its request, petitioner asserts that the residents of the Aguadilla area are desirous of obtaining a local television service; that because of terrain factors, a local channel is needed to render adequate television service to Aguadilla, a city of 18,276 persons, and to the surrounding area; that the proposed assignment conforms with the Commission's Rules and Regulations; and that, if Channel 13 is allocated to Aguadilla, petitioner will apply for a station on that channel.

3. The Commission is of the view that the proposed amendment would represent a more effective use of available facilities and would serve the public interest.

4. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing, it is ordered, That effective February 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned as follows:

1. Delete from the Table, Arecibo, Puerto Rico.

2. Insert in the Table under Puerto Rico:

City:	Aguadilla	Channel No.
	-----	13

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: January 10, 1957.

Released: January 11, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-288; Filed, Jan. 15, 1957;
8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. 205]

PART 206—FREIGHT COMMODITY STATISTICS

MOTOR CARRIER FREIGHT COMMODITY STATISTICS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of January, A. D. 1957.

Upon consideration of the matter and things involved in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, and of petitions for reconsideration of the order of December 9, 1955 (20 F. R. 9860) requiring the filing of freight commodity statistics by motor carriers;

And it appearing that the parties have been heard in oral argument, and the Commission, on the date hereof, has filed a report on oral argument containing its findings and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That the order of December 9, 1955, as amended May 21, 1956, in the above-entitled matter and that 49 CFR Part 206 be, and they are hereby further amended as follows:

Section 206.1 *Freight commodity statistics* is amended by adding the following paragraph:

(b) The regulations shall apply only to those class I motor carriers of property having gross annual operating revenue of \$1,000,000 or more.

2. Section 206.7 is added as follows:

§ 206.7 *Public inspection.* The individual reports filed pursuant to this part will not be open for public inspection.

It is further ordered, That the said petitions, except to the extent herein granted, be, and they are hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-334; Filed, Jan. 15, 1957;
8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE Agricultural Marketing Service

[7 CFR Part 1014]

[AO-287]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 124 AND ORDER NO. 114

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreement No. 124 and Order No. 114, hereinafter referred to as the "marketing agreement and order," regulating the handling of tomatoes grown in the Lower Rio Grande Valley in Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Edinburg, Texas, on September 24-27, 1956, pursuant to notice thereof which was published September 1, 1956, in the FEDERAL REGISTER (21 F. R. 6612). Such notice set forth the proposed marketing agreement and order which were sponsored by producers and handlers of tomatoes in the Lower Rio Grande Valley in the State of Texas.

Material issues. The material issues presented on the record of the hearing are as follows:

- (1) The existence of the right to exercise Federal jurisdiction;
- (2) The need for the proposed regulatory program to effectuate the declared purposes of the act;
- (3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;
- (4) The identity of the persons and transactions to be regulated; and
- (5) The specific terms and provisions of the marketing agreement and order including:
 - (a) Definitions of terms used therein which are necessary and incidental to

attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of tomato marketing research and development projects;

(e) The method for limiting the handling of tomatoes grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of tomatoes for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 1014.82 through 1014.95 and published in the FEDERAL REGISTER (21 F. R. 6612) on September 1, 1956, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and record thereof, are as follows:

(1) All tomatoes grown in Cameron, Hidalgo, Starr or Willacy Counties in Texas (customarily referred to as the Lower Rio Grande Valley or more commonly the Lower Valley) which are handled between such production area and any point outside thereof are either in interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The bulk of the Lower Valley tomatoes moves to markets outside of Texas or to markets located in the larger cities in Texas. Such tomatoes are transported by rail and truck principally to Central States, the Northeastern States, and to the Pacific Northwest. Shipments are also made to other parts of the country in lesser quantities, and many shipments are also destined for Canada. There are numerous markets in Texas which receive large quantities of tomatoes grown in the Lower Valley as well as tomatoes from other areas outside Texas. San Antonio, Houston,

and Dallas are the principal tomato markets in Texas. However, smaller quantities are sold in other Texas markets such as Austin, Fort Worth, Corpus Christi, and Amarillo. At the same time Lower Valley tomatoes are being sold and shipped, tomatoes from other producing areas are also being sold in and shipped to the same markets, both in Texas and outside thereof, receiving Lower Valley tomatoes.

Tomatoes grown in the production area compete principally with tomatoes grown in Florida and Mexico. They also compete to some extent with tomatoes grown in other producing areas in Texas, California, and other southern producing areas, such as Alabama and Georgia, since the shipping season for Lower Valley tomatoes overlaps the shipping seasons of such areas. Tomatoes produced in these competing areas compete in the same markets as tomatoes produced in the production area.

Many shipments destined originally for Texas markets are shipped in interstate commerce from such markets. It was testified at the hearing that tomatoes are sold to repackers located in Texas cities and, after ripening and repacking, are oftentimes resold in adjoining States. It was also testified that a large repacker in San Antonio also has a repacking plant in Denver, Colorado. The shipper selling tomatoes to this repacker does not know whether such tomatoes will be transported to San Antonio or Denver. Testimony also shows that tomatoes sold to repackers in Oklahoma are often sold to Texas retailers and are consumed in Texas.

Many rail shipments from the production area are consigned by the shipper to junction points in Texas such as Houston. Before the car reaches the junction point, it is sold and diverted from the junction point to a buyer located in a terminal market, usually outside of Texas.

Any handling of tomatoes grown in the Lower Valley exerts a direct influence upon all handling of tomatoes. The volume of tomatoes from a given producing area, irrespective of whether it is the Lower Valley, Florida, or Mexico, received in a terminal market will have an effect on prices received for other tomatoes offered for sale in that market. Tomato handlers, of course, try to obtain the highest possible return for their commodity. If such handlers expect to stay in business they must keep well informed on market conditions and information, in both out-of-state and Texas markets, and both buyers and sellers use modern means of communications to maintain this close association with market conditions so they can quickly take advantage of a high market.

Texas markets offer shipper opportunities for making sales the same as markets outside of the State. Two handlers who testified at the hearing stated that 30 to 40 percent of their total sales were in Texas markets. Such sales, if ad-

vantageous to the shipper, are as eagerly accepted as other advantageous sales, whether made at shipping point or in the consuming markets such as Boston, New York, or Chicago. The tomato market consists in major part of offering, quoting, bargaining, buying or selling tomatoes. Factors influencing this market are numerous. Such factors include the supply of, and demand for, tomatoes in the production area and in competing areas; the available and potential supplies in the production area and in competing areas; the quality of such supplies; the prices quoted by shippers and receivers; and a great variety of other factors which enter into the meeting of minds between buyers and sellers necessary to consummate a sale.

Such factors are considered by the seller at shipping point and the buyer in the terminal market, because factors influencing prices of tomatoes in the production area are soon reflected on prices paid in terminal markets. In turn, factors influencing prices paid in the terminals are soon reflected in prices received at shipping point. An example given at the hearing was that if Cameron County received a hard rain and Hidalgo County did not, buyers would shift to Hidalgo County points and prices there would probably increase because buyers would be bidding higher in order to obtain the available supplies. It was also testified that if a terminal market such as Houston or Dallas is glutted with culls or low quality tomatoes, prices received for good quality tomatoes are reduced so the receivers can compete pricewise with the poorer quality tomatoes. Another example of the intricate, interlocked, and dependent nature of the tomato market involves factors influencing prices in a competing shipping area. If Florida or Mexico suffers from a freeze which materially reduces the supply available for shipment from such area, prices in terminal markets receiving Florida or Mexican tomatoes react quickly. This in turn is reflected in prices received at shipping points in the production area.

The practice of diverting shipments from Houston or other junction points in Texas is also a result of the intricate nature of tomato marketing. If prices are favorable at the junction point the shipment will be sold on such market. However, if another market appears more favorable to the shipper he will have the car diverted to the second market. Because of this practice of diverting rail shipments, the shipper does not always know at the time of shipment where such shipment will be sold. Truck shipments can also be diverted, but such diversion is usually done at the discretion of the trucker rather than the shipper. If a trucker has purchased tomatoes in the production area, he usually heads for a market within Texas or a nearby State. If conditions are unfavorable at such market he oftentimes moves on to the next market. It is impossible to determine in most cases when tomatoes are sold to a trucker whether such tomatoes will be marketed within Texas or an out-of-state market.

The factors influencing the sale and movement of tomatoes make up the mar-

ket for tomatoes. The interdependence of the markets both within and outside the State directly burdens, obstructs and affects interstate commerce. The factors making up the market for tomatoes constitute commerce which is so inextricably intermingled that all sale and movement of such tomatoes are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce and therefore all such movement and sale of tomatoes grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Lower Valley Texas tomato farmers have received less than parity prices for their early spring crop tomatoes during six of the ten seasons, 1945-46 through 1954-55. They received an average price for early spring crop tomatoes in three of these ten seasons which was in excess of parity, and during one season, 1948-49, they received the equivalent of parity prices. The relationship of prices received by the farmers for Lower Valley Texas tomatoes has been less favorable during the six year period 1950-55 than during the previous four years. During the latter period, season average farm prices for the early spring crop ranged from 75 percent to 112 percent of parity with prices received by farmers being below parity in all but one of the six seasons. In three of these latter seasons the prices received by farmers averaged less than 80 percent of parity.

For the eleven season period 1945-46 through 1955-56 prices to Lower Valley Texas tomato farmers for the late fall crop was below parity in five of the eleven seasons and above parity during the others. During the 1955 fall crop, prices averaged 80 percent of parity and the previous year the average was 87 percent of parity. The previous season, 1953-54, prices were 112 percent of parity, but during the 1952-53 late fall season, Lower Valley Texas tomatoes returned 66 percent of parity to farmers.

Prices to Lower Valley Texas tomato farmers have prevailed at levels below parity during most seasons despite the organized effort of tomato growers, handlers, and public officials to promote better marketing practices that will protect the growers' interests.

In addition to the facts hereby found that prices to Lower Valley Texas tomato farmers have been below parity for the early spring season during most of the past ten years and for the late fall season during a significant portion of such seasons, it is also found to be a fact that prices for such tomatoes fluctuate widely within seasons. Furthermore prices vary widely for different grades and sizes of such tomatoes. Prices of such tomatoes are affected not only by the total volume of tomatoes available for market at any time but also by the grade, size and quality of such tomatoes being marketed at any given time.

Market reports show that the price of Texas tomatoes fluctuates throughout the season in terminal markets, also at f. o. b. shipping points and such prices in turn are reflected to the prices paid

farmers. These facts are substantiated by the expert testimony of growers and shippers in the record. During the 1956 season the price of U. S. No. 1 quality, 6 x 6 and larger, ranged higher than the prices of 6 x 7 same quality. Also prices of size 7 x 7's of the same quality in general were lower than for the two larger sizes. The price of U. S. No. 2, 6 x 6 and larger was in general about one-half the price of the same size of the No. 1 quality while the price of size 6 x 7 was generally less than one-half the price of the same size No. 1 quality and less than one-half the price of U. S. No. 1, 6 x 6's and larger. In general, the same relationships applied between grade and sizes for grower prices with size 6 x 6 and larger No. 1 quality returning higher prices to growers than size 6 x 7 No. 1 quality and considerably higher than size 7 x 7 No. 1 quality. In the same manner, prices of 6 x 6 and larger, U. S. No. 2 grade returned approximately one-half the price of the U. S. No. 1 quality for the same size, while size 6 x 7 No. 2 quality returned less than size 6 x 6 No. 2 quality and returned less than half the price for size 6 x 6 and larger U. S. No. 1. Similar price relationships hold for the 1955 season, as well as for the 1954 and for the 1953 season. During mid-May of the 1955 season, when f. o. b. prices of size 6 x 6 U. S. No. 1 quality ranged from \$3.25 to \$3.50 per 30 pound lug for mature green tomatoes the price to growers was 2 to 3½ cents per pound. Later in the season when prices were \$2.75 to \$3.50 f. o. b. per 30-pound lug, 6 x 6 and larger U. S. No. 1 grade, prices to growers were 1½ to 3 cents per pound. The hearing record shows the fact that similar patterns apply to the 1954 season and for the 1953 season.

The sale of cull tomatoes, the same as the sale of better quality tomatoes, has a direct effect upon the prices paid to Lower Valley tomato farmers. Some shippers do not normally sell all cull tomatoes but when such cull tomatoes are sold the prices received are substantially lower than for either No. 1 or No. 2 quality tomatoes, oftentimes returning only a salvage price. At the same time, such cull tomatoes go into commercial markets competing directly with the sale of better quality tomatoes and the sale of such cull tomatoes at the lower prices has an adverse and a depressing effect upon prices received for the better quality tomatoes and, therefore, tends to depress the prices received by growers for their tomatoes. The record shows that one shipper built up a good trade in some markets for U. S. No. 2 tomatoes, but when shipments of cull tomatoes were not prohibited and some of such poor quality tomatoes got into the markets in which the shipper was selling No. 2's, the demand for his No. 2's fell off substantially. The shipment of cull tomatoes has become a common practice since the prohibition of the movement of such quality was discontinued. Some shippers find it difficult to meet competition from cull tomatoes as long as some other shippers are allowed to sell and transport them. The record of hearing provides substantial evidence by expert witnesses that there is no place in the

market for cull tomatoes from the Lower Valley and that there should be authority in the marketing order to prevent their resale and transportation because of adverse, depressing effects on prices to farmers for better grades of tomatoes.

It is also found that there is a need for a marketing agreement and order to help the industry develop orderly marketing practices that will tend to prevent abuses from overweight of containers as well as from lack of uniform sizing of tomatoes within different packs. Provision for placing competition on an even basis with respect to size among shippers is a need that will tend to promote orderly marketing of Lower Valley Texas tomatoes and will help to improve prices to farmers.

The record shows that tomato farmers and shippers in the Lower Valley of Texas have no other means of helping to promote and improve marketing conditions for their tomato crop. The need for a marketing agreement and order to assist them in promoting better marketing conditions and in increasing the prices paid to Lower Valley tomato growers for their crop is substantially shown on the basis of the record.

(3) The term "tomatoes" as used in the marketing agreement and order identifies the agricultural commodity referred to therein and distinguishes it from other agricultural commodities. The term "tomatoes" should be defined to mean all varieties of the edible fruit (*Lycopersicon esculentum*) which are commonly referred to as tomatoes in the production area as well as throughout the United States. The definition of tomatoes as set forth in the marketing agreement and order establishes the identity of the agricultural commodity for which regulation is authorized, and establishes the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. Tomatoes therefore, should be defined in the marketing agreement and order to mean all varieties of tomatoes grown in the production area.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which tomatoes must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all territory in the counties of Cameron, Hidalgo, Starr, and Willacy, in the State of Texas. "Production area", thus defined, contains all of the tomato producing counties in the lower Rio Grande Valley of Texas. Growing and climatic conditions are about the same in the four counties and there are no appreciable or sizeable acreages of tomatoes grown within approximately 150 miles of this area.

There may be minor variations in practices and methods of production, harvesting and marketing tomatoes between counties and within specific counties. Nevertheless, grading and quality standards for commercial sales are the same throughout the production area. The marketing seasons are the same as shown by the tabulation of shipments from the four counties. Each county

within the production area has to share and compete in common markets at the same time. Undesirable grades, sizes, qualities and maturities of tomatoes have the same effect in the market on prices paid for Lower Valley tomatoes irrespective of the producing county.

The production area includes four counties which constitute a relatively small area bordered on the south by the Rio Grande River and Mexico on the east by the Gulf of Mexico, and which are separated from other tomato and vegetable producing sections in Texas by non-irrigated range land. The four counties differ from the surrounding counties in that the four counties have been developed for intensive farming of fruits and vegetable crops, including tomatoes, which are grown under irrigation. This section is commonly recognized as a separate and distinct production area by growers and handlers operating there, also by the produce trade in terminal markets and by official publications reporting tomato and other vegetable crops. The production area is so recognized as a distinct entity, commonly referred to as the "Lower Rio Grande Valley", or simply the "Lower Valley", because of the natural barriers of the Gulf, the international border, the insulation of range land, and the separate characteristics of the production and marketing problems encountered there by producers, the customary recognition of the four counties as a production area for tomatoes provides proper basis for the definition of production area.

Highway outlets leading out of the production area are limited to three major highways. Two to the north and one to the west. There is no reasonable method or basis of dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the declared policy of the act, and the production area therefore should be defined as hereinafter set forth.

(4) The terms "handler" and "shipper" are synonymous. They should be defined to identify those persons who handle tomatoes in the manner described and set forth in the definition of "handle". The definition of handler establishes and identifies the persons who are to be subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping tomatoes or who causes tomatoes to be handled or shipped is a handler. Such persons are responsible for the grade, size, quality and maturity of tomatoes delivered to transportation agencies or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce and such persons are handlers.

Common or contract carriers transporting tomatoes which are owned by another person are performing a handling function, but such handling should not be regulated under the

marketing agreement and order because such carriers are not responsible for grade, size, quality and maturity of the tomatoes being transported, neither are they responsible for the introduction of such tomatoes in the stream of interstate commerce. Also, the sole interest of common or contract carriers in such tomatoes is to transport them for a service charge to destinations given by others. The person or persons delivering tomatoes to a common or contract carrier should be responsible for the grade, size, quality and maturity of such tomatoes. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

The term "handle" is defined in the marketing agreement and order to determine the particular transactions in the marketing of tomatoes, as defined herein, which fall within the authority for regulation under this program. "Handle" and "ship" are interchangeable and their definition should include the acts of selling and of moving, or otherwise transporting, tomatoes between the production area and any points outside thereof.

The great bulk of tomatoes grown in the production area is subjected, either in the field or more usually at packing houses, to grading and packing operations prior to moving to market. The tomatoes are picked by trained crews under the supervision of a grower or of a handler, i. e., packing house operator. After picking, the tomatoes are hauled to the platform of the packing house. Title to the tomatoes is usually transferred from the grower to the handler at this point. The handler takes the field-run tomatoes and runs them through the packing house for washing, grading, sizing, packing and loading. The handler makes sales, either direct to other handlers at shipping point, or to receivers or brokers in terminal markets in metropolitan or other areas outside the State or in the State. Also in some instances tomatoes are consigned to such markets.

The growing of tomatoes in the production area is a producer function and should be construed as an activity of the producer in his capacity as a producer. The harvesting of tomatoes, particularly when harvested by a crew employed by or under management of a packing house operator, also the sale or transportation of tomatoes to a packing house, i. e., to a recognized or registered handler within the production area, for grading and packing, although physically a part of a handling activity, should not be regulated under this program as such tomatoes have not yet been prepared for market. For the bulk of the tomatoes grown in and marketed from the proposed production area, the packing house operator is the handler or the person responsible for preparing the tomatoes for market and for transporting or selling the tomatoes, i. e., placing them in the channels of commerce. Compliance with the regulations which are authorized by the marketing agreement and order can readily be determined by such

handler since it is he who determines the grades, sizes, packs and weights to be shipped. Of course, all subsequent handlers of such tomatoes in the production area should also have responsibility for the grade, size, quality and maturity of the tomatoes at the time such persons handle the tomatoes.

It is common practice for producers to sell or deliver their tomatoes to persons having facilities for packing and otherwise preparing the fruit for market, i. e., to persons who are generally recognized as tomato handlers. The producers, in such instances, properly rely on the persons preparing the tomatoes for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted, in such instances, the movements of tomatoes from the fields to the places where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to insure compliance with the regulations established under the program. Hence, it should be required that the facilities where the tomatoes are to be prepared for market be located within the production area. Otherwise, it would not be practicable for the committee to check effectively on the disposition of the tomatoes delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of tomatoes for market has registered with the committee in accordance with such rules as it may, with the approval of the Secretary, prescribe. Registration would be necessary because some tomatoes are prepared for market in places located at or near tomato fields and it is necessary that the committee have knowledge of these locations for enforcement purposes. It is intended that the committee, under its rules, will register all handler-applicants whom it is reasonable to believe will conduct their packing and handling operations in accordance with the program requirements. It is also intended that all recognized handlers and other prospective handlers desiring to conduct their business in the usual or customary manner will register with the committee in order to enable them to obtain tomatoes without their having to meet program requirements at the time of deliveries by the producers or others.

There are some exceptions to the general rule, as outlined above, concerning handling activities for Lower Valley tomatoes. Some such tomatoes are graded and packed in the field where grown and are moved directly from the field to markets outside the production area by the producer or by truckers who purchase the tomatoes from the producer. Such persons would presumably not normally be registered handlers. However, each such sale or movement within the production area is a handling activity and, as such, makes the producer who sells the tomatoes a handler and subject to rules and regulations issued under the marketing agreement and order, because such actions place the tomatoes in the stream of commerce between the production area and points

outside thereof. In like manner, the trucker who transports such tomatoes to market outside the production area also directly affects interstate commerce in tomatoes and, therefore, is subject to the terms and provisions of the marketing order.

It has been a practice in the production area to sell or to ship some tomatoes as they are picked in the field to repacking plants in the State of Texas but outside of the production area. This practice also constitutes "handling" on the part of the producer or seller. If the repacking plant, however, is located within the production area, then the operator of the repacking plant becomes the handler.

The sale or transportation of tomatoes within the production area for consumption within the production area should not be considered a handling activity under the marketing agreement and order. As there are no large population centers within the production area, such shipments are comparatively small and their regulation would be burdensome without any appreciable benefits. Also, the definition of the term "handle" does not include the sale at retail of tomatoes by a person in his capacity as a retailer.

With the exception of the activities which are specifically excluded from the definition of the term handle, all transportation and sales of tomatoes, from the time they are harvested until they move outside of the production area, should therefore be included within the definition of the terms "handle."

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as when used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of tomatoes within the production area, and who is producing such tomatoes for market. A definition of the term "producer" is necessary for appropriate determinations as to eligibility to vote for, and to serve as, members or alternate members of the committee and for other reasons.

The term should be limited to those who have an ownership interest in tomatoes produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing tomatoes.

There was considerable discussion during the hearing with respect to the interpretation of the definition of producer particularly as such interpretation would apply to persons eligible to serve as committee members. The problem of determining who is a producer and who is not a producer for the purposes of the marketing agreement and order is affected by numerous credit and financial arrangements currently existing among persons connected with the growing and marketing of tomatoes within the production area.

A producer is any "person" who produces in a proprietary capacity tomatoes for market. Inasmuch as a person is defined as an individual, partnership, corporation, association, or any business unit, each such person establishes a legal entity. Each person or legal entity, whether an individual, partnership, joint venture, or corporation, so engaged in the production of tomatoes for market, should have one voice in selecting committee members and alternates in the district.

The term "producer" should be limited to those who have an ownership interest in the tomatoes which gives them title or authority to pass title to such tomatoes. The person who owns and farms land resulting in his ownership of the tomatoes produced on such land should clearly be considered as the producer of such tomatoes. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a portion of the tomatoes produced thereon. Likewise a person who owns land which he does not farm but as rental for such land obtains the ownership of a portion of the tomatoes produced thereon should be regarded as a producer of that portion received as rent and the tenant on such land should be regarded as a producer of the remaining portion produced on such land. In each of the above situations where the person acquires ownership of all of the particular tomatoes such person regardless of whether he is an individual, partnership, association, corporation or other business unit should be considered as one producer and entitled to one vote. However, in cases where the ownership is divided, that is where one person obtains ownership of only a portion of the particular production and another person obtains ownership of the other portion of such production, such as a landlord-tenant relationship, each such person should be considered as a producer and entitled to one vote. However, in the case of a partnership, the partnership must vote as a unit.

The most common type of partnership appears to be the arrangement whereby one person puts up all or part of the capital and the other contributes machinery or skill, or both. Another arrangement provides that one person is responsible for selling the crop and another in growing and harvesting the tomatoes. Capital, machinery and labor may be con-

tributed in varying degrees by each of the partners. The partnership, however, is an entity and under the definition of "producer" should have only one vote, the same as an individual or corporation. Any action with respect to such an organization regarding voting matters depends, therefore, on the partnership agreement and action by the partners pursuant thereto, irrespective of whether the partnership is composed of individuals, corporations, or combinations thereof.

Persons engaged in tomato growing operations and paid for their services on a wage or per unit of production basis should not have a producer status in the marketing agreement and order if such persons do not have title to any of the tomatoes.

"Grading" or "preparation for market" are interchangeable and means the sorting of tomatoes by hand or mechanical means, or both, so that such tomatoes are separated into grades, sizes, maturities and packs. Such classifications are determined by the handler who directs, in person or through his agent, how and in what number of classes a particular lot of tomatoes should be separated. Grading may vary from an operation performed entirely by hand in which certain tomatoes are picked out when they are being loaded at the field to a production line operation. In the latter method tomatoes are carried by mechanical conveyor through the grading operation. They are first washed and waxed. They are then carried to a series of moving belts and tables where sizes are determined and good quality, as represented by grades, sizes, and maturities, or any combination thereof, is separated from bad. It is in this operation where the tomatoes which should go to preferred price outlets are separated from those going to discounted price outlets. "Grading" or "preparation for market" is an operation which applies to all tomatoes grown in the production area even though the extent to which tomatoes are separated into market classes may vary considerably among the types of outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grading and size limitations to the products they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to these terms in the official United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments of such standards and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order can then incorporate such terms (grade, size and maturity) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example a percentage of grade. Official inspectors are qualified to certify to the grade, size, and maturity of tomatoes grown in the production area under the terms of the

aforsaid standards or modification or amendment based thereon.

"Grade" and "size" should also be defined as comprehending the equivalents of the meanings assigned these terms in the official United States Consumer Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments to such standards and variations of such standards by regulations under the marketing agreement and order. The United States Standards for Fresh Tomatoes are generally used for shipments of tomatoes from the production area. However, with the increase in importance of tube packing in the shipment of "pinks" from the production area the use of the United States Consumer Standards for Fresh Tomatoes may become more customary and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which tomatoes are prepared for market, and shipped. The term "pack" is commonly used throughout the tomato trade and refers to a combination of factors relating to grade, size, and maturity of tomatoes and frequently to quantity and type of container. For example, U. S. No. 1 grade tomatoes, 6x6's, when put in 60 pound wire bound crates may be referred to as a specific pack. U. S. No. 2, 6x7's, also may be termed as a specific pack and with additional differentiation when packed in lugs or other various types of containers. The term "pack" should mean any pack of tomatoes as set forth in the United States Standards for Fresh Tomatoes and, in addition, it should include any other packs recommended by the committee and approved by the Secretary. Since some Texas tomatoes are "jumble", packed as opposed to the "place pack", the committee should be permitted under its rules and regulations to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, and maturity in their relationship to the unit being marketed, in addition to United States Standard packs as set forth in the official standards.

"Maturity" should be defined as set forth in the marketing agreement and order. Although the bulk of Texas tomatoes are marketed as "mature greens", "pink" and "vine ripened" tomatoes are assuming an important place in the market. The application of different maturity stages to any regulations recommended by the committee would permit a basis for different regulations for mature green tomatoes and for those with a greater degree of maturity. Mature green tomatoes are considered by many handlers as more firm and less susceptible to bruising, growth cracks, and other injury or defects, than are tomatoes shipped as "pinks" or "vine-ripened" which are in later stages of maturity. Inspectors are qualified to inspect and certify for any maturity level which may be recommended by the committee.

The term "container" should be defined in the marketing agreement and

order to mean a box, bag, crate, hamper, basket, package, tube, or any other type of receptacle which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which tomatoes are sold or moved to market for which different regulation could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences and characteristics of different varieties and different types of tomatoes, and the differences in types of regulations which might be considered and recommended therefor. The principal variety grown at the present time for the spring deal is the Rutgers. The Grothen Globe is the leading fall crop variety. However, new varieties, such as the Weshaven and the Valiant, which differ in some respects from the aforementioned varieties, are increasing in importance. Also, there is an increase in marketing different types of tomatoes grown in the production area. For example, the "mature greens" are the most important type, but "pinks" and "stemmed" tomatoes are increasing in importance. The means set forth in the definition of varieties is appropriate for determining different varieties or types of tomatoes grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words in referring to the administrative agency in the marketing agreement and order.

A definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. Such period was set forth in the notice of hearing as "beginning August 1 and ending July 31 following." However, it was testified at the hearing that the originally proposed beginning and ending dates would not be satisfactory. While two crops of tomatoes are normally produced in the production area, i. e., a fall crop and a spring crop, the regulation of the fall crop does not appear to be likely at any time in the near future. It was also agreed that the fiscal period should begin reasonably near to the time when it is anticipated that active regulation of the commodity will commence in order to insure that collections will be made in adequate amounts to cover the costs of operations so that at the beginning of each season monthly deficits caused by operating costs can be avoided as much as possible. This undesirable result should be avoided by fixing the beginning of the fiscal period reasonably near the beginning of active regulation, which at this time would presumably be the time of the handling of the spring crop. It seemed to be generally agreed that an

appropriate time for such period at the present time would be to have it begin on March 1 and end on the last day of the following February and it is concluded that such beginning and ending dates should be the ones adopted for initial use.

However, it is possible that, at some future date, it will be deemed to be desirable to regulate the fall crop. Also, it has happened in some years that shipments from the spring crop are made before March 1. Such shipments are known to have been made as soon as the early part of January. Because of the continuing desirability of starting the fiscal period as close as reasonably practicable to the beginning of active regulation, some latitude should be given for changing the beginning and ending dates to meet changed circumstances, such as those indicated in the two preceding sentences. This latitude would be afforded by the addition of an authorization in the definition for changing of the beginning and ending dates by the Secretary pursuant to the recommendation of the committee.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area either as initially established or as later reestablished in order to provide a basis for the nomination and selection of committee members for regulatory purposes. The proposed division into districts is adequate and equitable, and it provides a practical basis for the purposes for which intended.

"Export" should be defined in the marketing agreement and order as any shipment of tomatoes beyond the boundaries of the continental United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market and therefore different or special regulations or even no regulations may be justified with respect to such shipments. It is found from the evidence that Lower Valley tomato producers and handlers customarily consider an important distinction between such export markets as Canada and Mexico. Authority should be provided to permit different regulations for each of these markets, as well as for other markets, as circumstances may warrant. Territories and possessions of the United States should be included under the term "export" because any shipments to such markets would tend to satisfy a different type of demand than domestic shipments.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Texas Valley Tomato Committee, composed of nine producer members of whom at least four should be producer-handlers. Establishment of this committee would be desirable and necessary to aid the Secretary in carrying out the declared policy of the act. The establishment of such a committee is authorized by the act. The notice of hearing provided for an administrative committee composed of nine producer members. It was testified that such a

number had been generally agreed upon by the industry as being the least number of members which could represent properly all segments of the production area. Because practically all handlers of tomatoes in the Lower Valley are also producers, the proponents did not believe it was necessary to specify that a certain number of committee members should be handlers. However, evidence was introduced at the hearing to the effect that the Committee membership should include producer-handlers so that committee deliberations would be assured of the benefit of the handlers' experience in the marketing of tomatoes and their knowledge of market conditions. While the original proposal, as set forth in the notice of hearing, did not exclude producer-handlers, the evidence was such that the marketing agreement and order should specify that a certain percentage of the membership be producer-handlers to insure that such persons are named to the committee. Testimony as to the desirable number of producer-handler members related both to four and to five. Since the primary purpose of the program is to improve marketing conditions for Lower Valley tomatoes so that farmers' prices will be raised towards parity, the provision that each committee member and alternate must be a producer of such tomatoes and at least four of such members must be producer-handlers, should help to promote the objectives of the act. Inasmuch as alternates serve for their respective members in the event of the absence or disqualification of the latter, it should also be required that at least four of the nine alternate members shall be producer-handlers. This plan of representation should provide adequate and equitable representation of the tomato grower and handler interests in the Lower Valley and such producer-handler representation should help to insure comprehensive coverage of tomato marketing problems.

Each person selected as a member of the committee should be a producer or an officer, or employee of a producer, of tomatoes in the district for which selected, and should also be a resident of the production area. "Producer" is proposed to be defined as meaning any person engaged in a proprietary capacity in the production of tomatoes for market. "Person" is proposed to be defined as meaning an individual, partnership, corporation, association, or any other business unit. In addition to the qualifications for producers, producer-handler members should be persons engaged in packing and shipping tomatoes grown in the production area, or persons who are officers or employees of a producer-handler. It was testified that cooperative associations of tomato producers operate in the area by marketing tomatoes for their grower members. It is appropriate that an officer or employee of such a cooperative will be deemed to be eligible to serve as a producer-handler member or alternate member of the committee. Therefore, the requirement that a producer or producer-handler member of the committee should be a producer or producer-handler or an officer or em-

ployee of a producer or a producer-handler should not exclude any qualified individuals from serving on the committee. A person with such qualifications should be intimately acquainted with problems of producing and/or marketing tomatoes grown in the production area and each may be expected to present accurately the problems incident to production or marketing of tomatoes grown in his district. Qualifications for each alternate should obviously be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberation.

Each committee member and his respective alternate should serve for a one-year term of office ending as of July 31 and for any additional period needed for the selection and qualification of his successor. Such a term of office is reasonable and will allow the tomato industry to express its approval or disapproval of the committee membership at the end of any season and prior to beginning a new season. August 1 is an appropriate date for the beginning of a term of office because it is between the end of the spring growing season and the beginning of the fall growing season. In addition, no shipments of tomatoes grown in the production area are being made at that time of the year. By beginning the term of office on August 1, each new committee will be authorized to start its term between the end of an old season and the beginning of a new. Committee members and alternates should be selected for the term of office during which they are to serve and until their successors are selected and have qualified in order to insure continuity of committee operation.

Districts should be established to provide a basis for the selection of committee members. The districts as initially established were worked out by the industry and they represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

The proposed production area comprises four counties to be divided into four districts, one for each county. These districts are logical and desirable, because county lines are well defined, and producers and handlers are familiar with such county boundaries. Each person qualified for voting can easily establish the county within which his holdings are located.

The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvement should be made. The guides, as set forth in the marketing agreement and order, which the committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of the tomato industry.

It is practical and equitable that selection of committee members and alternates should be on a geographical basis such as the districts provided for in the marketing agreement and order. Such

geographical basis should be, and for purposes of initial membership has been, related to the number of producers in the production of tomatoes within the production area so that a practical basis for establishing equity has been reached.

Procedure for the election of nominees by producers and producer-handlers for membership on the committee should be prescribed in the marketing agreement and order. Such provisions will provide the Secretary with assistance by the tomato industry in selecting members and alternates for the committee. Nomination of prospective members and alternates at meetings of producers and producer-handlers in the respective districts is the customary and practical method of providing the Secretary with the names of persons whom the industry desires to serve on the committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of producers and producer-handlers should be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. This sponsorship should provide a practical and appropriate means for the industry to express its wishes and preferences with respect to committee membership, inasmuch as no committee would be in existence to assume such responsibility at that time.

Nomination meetings for succeeding members and alternates on the committee should be called by the committee, because it is practical, proper, and appropriate that the responsibility for calling nomination meetings for succeeding members should rest with the committee as the administrative agency for program operations. The committee should also be permitted to utilize the services of other agencies, such as, but not limited to, Extension Service representatives, to assist in conducting such nomination meetings.

It is appropriate and proper that the committee should be required to hold nominations for successor members and alternates not later than June 15th of each year, since the term of office of committee members and alternates is proposed to begin as of August 1 of each year. Nomination meetings for such successor members and alternates should be held in sufficient time to assure that nominations will be forwarded to the Secretary in time for him to make his selections prior to the beginning of each new term of office.

If the committee wishes to hold nomination meetings in connection with other meetings that are conducted on tomatoes in any or all districts, it is appropriate and proper that such nomination meetings may be so held. If on the other hand, the committee wishes to hold separate nomination meetings it is a matter of judgment and responsibility which should properly fall within the judgment of committee members.

At least two nominees should be designated for each position as member and each position as alternate, so that the Secretary will have a choice in making his selections. It is appropriate, and the marketing agreement and order should provide, that producers and producer-

shippers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. Nomination lists should be supplied to the Secretary not later than July 15, of each year, so that the Secretary may have sufficient time in which to select committee members prior to the beginning of the succeeding term of office.

Only producers and producer-handlers should participate in nominating members and alternates for the committee, because they are the persons who will be concerned with program operations and the persons whom the program will be designed to benefit.

If a person produces tomatoes in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would give such persons a greater voice than other producers in the nomination of committee members.

Each producer or producer-handler participating in the industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives. Voting on any other basis would not provide for equitable representation, because it would give producers and producer-handlers with interests in more than one district a greater voice in the election of nominees than such persons operating in only one district. The limitation of each producer's or producer-handler's right to cast one vote on behalf of himself should be construed to mean that one vote may be cast for each position which is to be filled. For example, if there are three members to be nominated from a district and three alternates to be nominated from such district, then each grower should be privileged to cast one vote for each member position and one vote for each alternate position. Such votes should be cast only in the district in which a producer or producer-handler elects to vote. Each producer or producer-handler presumably is interested in nominating well qualified prospective members and their interest is to be expressed in the district where they consider their major interest exists. It is presumed also that such producers and producer-handlers are dependent on tomatoes for an important part of their income. It is only fair that each grower should have the same voice in electing each person who will represent his district on the committee.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs. This provision is intended to insure continuity in case the industry fails to forward nominations to the Secretary in time for the selection to be made. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions in the production area are equitably represented in the conduct of committee

business. In order that there will be an administrative agency at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nominations if for any reason nominations are not submitted to him in conformance with the prescribed procedure. Such selection should be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will continue as prescribed.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary written acceptance of his willingness and intention to serve in such capacity. Such requirement is necessary so that the Secretary will have definite knowledge as to whether or not the position has been filled. In order to prevent excessive delay in obtaining full membership on the committee such acceptance should be filed within 10 days after notification of appointment.

An alternate member should be authorized to act in the place and stead of the member for whom he is an alternate in such member's temporary absence. An alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or the disqualification of the member. Alternates acting in the place and stead of members should continue to act in such capacity until the successor for the member has been selected and has qualified. This would assure continuity of the marketing agreement and order operations, prevent the committee from being without sufficient members to carry on its business, and assure adequate representation from all districts at committee meetings.

At least six of the nine members of the committee should be necessary to constitute a quorum. This would require a two-thirds majority of the committee membership and should provide ample representation from each district. Six concurring votes should also be necessary to pass any committee action at an assembled meeting. Two-thirds majority of the committee membership for a quorum and for approval of any committee action is deemed reasonable and provides a basis for adequately reflecting industry thinking in marketing problems. At assembled meetings all votes should be cast in person so the participating members will have the benefit of the discussion when casting their votes, and also to encourage members to attend assembled meetings.

The committee should have the authority to hold meetings by telephone, telegraph, or other means of communication because marketing conditions affecting tomatoes often change rapidly and it may be necessary for the committee to take speedy action which would be delayed by calling an assembled meeting. Any vote cast at such a meeting should be confirmed promptly in writing in order to provide a written record of the votes so cast. In addition any action taken as a result of a vote at an unasssembled meeting should be unanimous, because members will not have the op-

portunity for discussion at such meetings. If a question should be so controversial that there is not unanimity of opinion, an assembled meeting should be held so the matter can be fully discussed.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of services to the committee. Such expenses will necessarily be incurred in attending meetings in connection with the marketing agreement and order, or in performing duties for the committee outside the committee meetings. Such expenses might include travel, meals, hotel accommodations, and similar expenses. In other words, they should include actual expenses reasonably necessary to be incurred in the performance of duties in connection with the marketing agreement and order, but should not include per diem reimbursement for time involved.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are authorized to be granted by the enabling statutory authority and they are necessary for an agency of the character set forth in the marketing agreement and order to function properly.

The committee's proposed duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the marketing agreement and order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to and not inconsistent with the terms and conditions of the marketing agreement and order and which the committee may also need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of the marketing agreement and order. Expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments under regulation to the total shipments under regulation by all handlers during a specified fiscal period. Tomatoes grown in the Lower Valley involve two separate crops. In addition to the principal late spring crop, a fall crop is grown which the industry may not wish to regulate during some seasons. In this connection, it was testified that the fall crop has, for various reasons, been diminishing in importance during recent seasons and, at the present time, represents a comparatively small percentage of the total production. It is obvious that, in any season when the fall crop

is not regulated, the producers and handlers of that crop would not share in the benefits of the proposed program and that, in such circumstances, it would be inequitable to require the tomatoes from such crop to bear any part of the program expenses. On the other hand, during any fiscal period when the fall crop is regulated, the tomatoes from that crop should bear their proportionate part of the program expenses. It is believed that the indicated objectives for the proration of program expenses could be equitably achieved by imposing assessments only on tomatoes which are shipped under regulation. Under such a method, the fall crop would be assessed only in the event it was regulated. The basis for determination of the ratio of shipments by individual handlers subject to assessments should be based upon the total shipments of regulated tomatoes by first handlers thereof.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order for such a period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof. It is desirable that the committee should recommend to the Secretary the rate of assessment designed to bring in during each fiscal period or period of regulation sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the committee should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies such as the Texas Valley Tomato Committee and the statute also requires that each marketing agreement and order issued pursuant to the act should contain provisions requiring each handler to pay his pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement are suspended, or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be necessary by the committee in each fiscal period. As indicated above, such pro rata share of expenses in the present situation should be equal to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during the period of regulation and the total quantity of tomatoes under regulation handled by all handlers during the same period. It is necessary that the responsibility for the payment of the assessments on each lot of tomatoes be fixed and it is logical, proper, and equitable to impose such liability on the first handler of such tomatoes. In most instances the first handler and the applicant for inspection are the same person. How-

ever, in the event the first handler fails to apply for and obtain inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example assessment rates may apply to carlot shipments or they may be applied to a crate, lug, or to any other unit of shipment commonly used in the marketing of tomatoes grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

At any time during, or subsequent to, a given fiscal period the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and if he finds that the then current rate of assessment is insufficient to cover committee administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. The marketing agreement and order should authorize the application of such increased rate of assessment to all tomatoes previously handled by first handlers during the specified period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the marketing agreement and order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate as well as employees, agents, and other persons working for, or on behalf of, the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority at any time to ask for such accounting. Whenever any person ceases to be a member of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be prepared to execute assignments or such other instruments which may be appropriate to vest in his successor or agency or person designated by the Secretary the right to all such property and all claims vested in such person.

Any committee member, however, or any personnel responsible for committee funds or assets should be covered by an appropriate fidelity bond. Such requirement is a common sound business practice that should be followed by the committee and should be required of all persons handling committee funds.

If the committee should recommend that the operations of the marketing agreement and order should be sus-

pending or if no regulation should be in effect for a part or all of the marketing season the committee should be authorized to recommend as a practical measure that one or more of its members or any other person should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports shall be requested by the Secretary at appropriate times such as at the end of each marketing season or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period or at the end of such other period as may be deemed appropriate by reason of suspension or termination. Such refund should be credited to each such handler against the operations of the following fiscal period unless he should demand payment thereof in which event such proportionate refund shall be paid to him.

If and when the committee is required to wind up its affairs upon termination of a marketing agreement and order authorizing such agency, considerable expense is involved in the liquidation process. It is appropriate, therefore, that if funds, which are in excess of those necessary for payment of expenditures during such period, remain at the end of a fiscal period. Some of such funds should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event that the marketing agreement and order are terminated. It is not anticipated that any such reserve will be accumulated in an amount in excess of what might be the reasonable cost of such liquidation action.

Any funds remaining after liquidation has been effected should be refunded to handlers on a pro rata basis. In some cases, however, individual handlers' accounts may be so small it would be impractical because of the costs involved to make such refunds. The committee should be permitted to use funds of such insignificant nature for purposes of liquidation.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes was authorized by amendments to the act in Public Law 690 known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Research projects with respect to marketing development, transportation, handling methods, containers, and studies on the relative merits of different stages of

maturity at which tomatoes are marketed could be of considerable value to the committee, with respect to the recommendation of regulations, and to the industry in general. It was testified at the hearing that the tomato industry in the Lower Rio Grande Valley could improve its methods with respect to grading, packing, shipping, and harvesting, so that the product offered to the consumer will receive better acceptance and thereby increase returns to tomato growers.

As the industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated which may not be apparent early in committee operations. Therefore, the committee should have the authority to recommend the establishment of such projects which are in the best interests of tomato marketing, and which will assist, improve, and promote the marketing, distribution, and consumption of Lower Rio Grande Valley tomatoes. The committee should be authorized to engage in or contract for such projects, spend funds for such purpose, and consult and cooperate with other agencies with regard to their establishment. All such projects should receive prior approval by the Secretary in order to insure that such projects properly come within the purview of the indicated statutory authority.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for tomatoes, among other commodities, as will tend to establish parity prices for such tomatoes. The regulation of the handling of tomatoes by grade, size, quality, or maturity as proposed to be authorized in the marketing agreement and order should provide a means of carrying out such policy and is one of the methods authorized by the act (in section 8c (6)) for achieving that objective.

The proposed marketing agreement and order outline certain procedures and methods for the development and institution of marketing policies relating to grade, size, quality, or maturity regulations. Such procedures and methods should provide a practical basis for the committee to obtain appropriate and adequate information relating to tomato marketing problems. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry with respect to the marketing of tomatoes grown in the area during the marketing season. A marketing policy should indicate to all producers and handlers the general outlook or plan the committee intends to follow in recommending regulations with respect to tomatoes covered by the marketing agreement and order. It would also provide information to handlers so that they may make adequate preparations with respect to anticipated regulations.

In order that the Secretary may carry out effectively his responsibilities in connection with the proposed marketing agreement and order the committee should prepare and submit to the Department of Agriculture a report on each proposed marketing policy statement or

amendments thereof, relating to the marketing of tomatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to, or simultaneous with its initial recommendations for regulations. This should help to give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policy are those commonly and usually taken into account by the industry in its day-to-day evaluation of the market outlook with respect to tomatoes. They are adequate and proper for the intended purposes. Limitation of the handling of poorer grades, off-qualities, and less desirable sizes and maturities of tomatoes grown in the production area should tend to increase prices of more desirable grades, qualities, sizes and maturities and thereby increase returns to producers of such tomatoes. The standards for fresh tomatoes issued by the United States Department of Agriculture would provide a common and acceptable means of determining grades, sizes, qualities, and maturities of tomatoes handled under the marketing agreement and order. Such standards are widely used throughout the area and both producers and shipping point handlers, as well as buyers, are generally acquainted with such standards and commonly use them in their market transactions. Authority should be provided for limiting the grade, size, or quality of tomatoes which may be placed in any given pack or container. Tomatoes affected by numerous serious defects may be of such low market quality that they do not qualify as any established grade under the United States Standards for Fresh Tomatoes. Such low grade tomatoes are officially referred to as "unclassified" and in trade parlance as "culls". Some tomatoes, although qualifying for an official United States grade may be of lower quality than the U. S. No. 1 or better grade, and sell at substantial discount from No. 1 or better grade. Similarly, certain smaller sizes, such as 6 x 7 and 7 x 7, sell at discounts from larger sizes, such as 6 x 6 and larger. The discounted grades and sizes are commonly referred to in the Lower Valley tomato trade as the poorer stock. The limitation of the handling by restricting movement of poorer grades, off-qualities, and less desirable sizes of tomatoes will help to improve orderly marketing conditions for such tomatoes by enhancing the long run demand for, and the competitive position of, tomatoes grown in the production area.

The orderly marketing of tomatoes grown in the production area will be promoted and farmers' returns will tend to be increased toward parity by authorizing regulation of the handling of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, differently for different stages of maturity, differently for different

portions of the production area, differently for different containers, differently for different purposes for which modification or suspension of regulations may be applied, or differently for any combination of these groups during any period.

The hearing record shows that certain markets in Texas, Dallas and Houston in particular, do not readily accept the better grades of tomatoes because of the culls which were commonly sold on such markets. When culls appear in appreciable quantity on such markets terminal market receivers resist buying No. 1 or No. 2 grade tomatoes except at cull prices. Because of these experiences most shippers do not try to sell better grades in these Texas markets.

Farmers' prices for the better grades of tomatoes were much greater than for the poorer grades. The hearing record shows that, in an example offered by a competent witness, farmers received only 42 percent of the U. S. No. 1 price for U. S. No. 2 grades of the same sizes. Returns from culls were so low that they were used for overall operation of the organization. Another shipper testified that last season, according to his records, U. S. No. 2 tomatoes usually returned about 50 percent of the U. S. No. 1 price for tomatoes of the same sizes. Culls were sold at the packaging house and usually returned less than five percent of the U. S. No. 1 prices for all sizes, and less than ten percent of the U. S. No. 2 prices.

The marketing agreement and order should include authority for regulating differently for different sizes of tomatoes. Evidence shows there is a variance in the Valley with respect to sizing at the present time. Some shippers, for example, will include some 6x6 size tomatoes in 6x7 packs in order to gain a slight competitive advantage over other shippers. The competing shippers then adopt the same practice or include even larger sizes. This results in a confused market which works to the disadvantage of the tomato industry in the Valley and reduces farmers' tomato prices. A receiver does not know exactly what sizes he will receive especially if he is buying from more than one shipper. This confusion has a depressing effect on the market which is in turn reflected on prices received by growers. Such practices affect growers' prices to a greater extent when growers are selling to shippers on a pack-out basis. For example, a grower receives a lower 6 x 7 price for the proportions of higher priced 6 x 6 tomatoes put into a pack marked and sold as 6 x 7 pack. The record shows that uniform sizing, if required under the marketing agreement and order, should help to restore confidence on the part of buyers with respect to sizes ordered and received, should tend to stabilize the market for particular sizes, and should eliminate the price-depressing factors which adversely affect growers' prices, thereby promoting more orderly marketing and tending to increase farmers' prices toward parity.

Demand for different varieties of tomatoes establishes price preferences for different grades or sizes or both of such varieties. For example, evidence shows the demand for "pink" and for

"stemmed" tomatoes differed from the demand for mature greens. Stemmed tomatoes will return more per pound than mature greens and in some cases are generally of poorer quality, when judged by existing United States Standards, then the mature greens, in that they have more exterior defects. New varieties are being tried in the production area particularly with respect to the production of pink or stemmed tomatoes which may require differences in the application of regulations with respect thereto. There are also difference in varieties now grown in the production area. The Grothen Globe is a good example. This variety differs from other varieties, particularly the Rutgers, because it sometimes runs into difficulty in making grade because of shape. The authority to limit the grade and size of Lower Valley tomatoes differently for different varieties or types should include the authority for distinguishing between types of tomatoes as they are marketed. Such various types may include tomatoes with stems on, as distinguished from stemless tomatoes. The difference in market acceptability of such tomatoes, as well as differences involved in physical handling and packing, provides a factual basis for market distinctions which should be recognized in the marketing agreement and order.

Different regulations in terms of different stages of maturity will enable the committee to adjust its recommendations to meet different marketing problems. With the increasing importance of the "packing house pink or vine-ripened deals," repacking operations within the area may increase, which would necessitate consideration by the committee. The preference in Texas markets for more mature fruit than is ordinarily moved to out-of-state outlets is another factual basis for inclusion of this type of authority in the marketing agreement and order.

Unusual weather conditions may arise during the crop year in one portion of the crop area as compared with other portions of such area. This possibility is particularly true with respect to such natural phenomena as hail, wind, and rain storms. Hazards of this nature are obviously beyond the control or reasonable expectation of growers in such localities. Because of these circumstances and to provide equity among producers and handlers as far as regulations under the marketing agreement and order are concerned, authority should be provided for the committee to consider such differences and make appropriate recommendations in that regard and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. Any differences in regulations within the production area should be limited to taking care of natural disasters, as above indicated, and appropriate consideration should be given in recommending or issuing any such regulations to the administrative problems that would be involved. Such authority should provide for regulating in any or all portions of the production area or differently for different portions of the production area.

It is contemplated however, that any such relaxation will still require that the tomatoes shipped be the best quality available.

The marketing agreement and order should authorize the regulation of packs and should also authorize different regulations for specific packs. The standard packs, as specified in the United States Standards for Fresh Tomatoes, have been in common use by the Lower Valley tomato industry for years. However, in recent seasons there has been a trend toward "jumble" packs, which are packs without any particular arrangement of individual fruit. The need may arise whereby the committee would desire to establish the kind of packs in which the handling thereof may be permitted. It is presumed that the establishment and definition of such packs, to be set forth in rules and regulations, will spell out the grade and ranges of sizes permitted to be handled in conjunction with specified containers. Certain combinations of grade, size, and containers (which factors constitute packs) should be kept out of specified market channels when so recommended by the committee and limited by order of the Secretary, because of the adverse effect such packs have upon returns received by farmers for the tomatoes. For example, certain grades, sizes, qualities or maturities of tomatoes in certain containers should be withheld from certain outlets because such packs would reach destination in condition tending to demoralize the prices for tomatoes in superior packs and conditions. The committee should be empowered to recommend both maximum and minimum sizes and minimum grades with respect to the handling of certain packs. The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing agreement and order program may help to assist the industry in furthering present merchandising approaches when deemed sound by the committee and when justified by marketing conditions.

The marketing agreement and order should permit regulations differently for different types of containers. The establishment of such regulation is authorized by virtue of an amendment to the act of Public Law 690, known as the Agricultural Act of 1954, enacted by the 83rd Congress. Principal types and sizes of containers in current use for the handling of tomatoes within the production area are the 60-pound wire bound crate, and the 30-pound lug. Other types of containers, such as a 20-pound fiber board box, are used to a lesser extent. A small volume of individual consumer size cartons or tubes containing 3 or 4 tomatoes, which in turn are packed in a master carton, are also being shipped from the production area. Should the use of certain of these containers when moved into commercial market channels be deemed by the committee, with the approval of the Secretary, as having an adverse affect upon returns to growers thereof, then the Secretary should have the power to fix the size, weight, capacity, dimensions or pack of the containers which may be used in the packaging, transportation, sale, shipment, or other

handling of such tomatoes. For similar reasons, the committee should be permitted to recommend different regulations for different containers. The committee may determine that certain types of containers should be prohibited if the fruit contained in them is subjected to excessive damage. This would be especially important in the case of shipments of vine ripened tomatoes to interstate markets. The hearing record shows that returns to producers of tomatoes should be more favorable under conditions where the number of containers used is held at the lowest practical minimum. Accordingly, the committee may determine that the standardization of containers would be in the best interests of the industry. Therefore, the provisions relating to container regulations should be included in the marketing agreement and order as set forth.

The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary may take into account different supply and demand conditions as they may arise and become apparent.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods when tomato prices are above parity as will be in the public interest. Some tomatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality tomatoes as culls, even when prices are above parity. It is not in the public interest either of the producers, handlers, or of consumers to permit shipments of such poor quality. The shipment of immature or over-ripe tomatoes also tends to disrupt general market conditions for the commodity and the discounted prices received for such immature or over-ripe tomatoes adversely affects grower prices. The marketing agreement and order should authorize the establishment of such minimum standards of quality and maturity as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The committee should have the authority to recommend to the Secretary the establishment of minimum quantities below which handling will be free from regulation. Most shipments of Lower Valley tomatoes are made in carlots or in trucklots. However, some small quantities are moved outside of the production area. Such small quantities constitute only a minor percentage of the total production. Some of these small shipments, such as gifts, are sold to accommodate friends. Problems of inspecting such small lots, or other problems in complying with inspection regulations on such small lots, may make it uneconomical, undesirable, and impracticable to require that such small shipments comply with

all the regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that assessments are paid on them, may be such that it would be impractical for the committee to attempt to do so. However, such shipments should not be allowed to contain culls or other discounted grades and sizes to depress the market on the bulk of commercial sales. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. It is contemplated, of course, that any such relaxations of regulations would be applied uniformly.

(g) The Secretary, upon the basis of recommendations and information submitted by the committee or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to the handling of tomatoes for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified because of experience and knowledge of individual members to recommend such modifications, suspensions or terminations as will be in the best interests of the Texas tomato industry, and which will tend to effectuate the declared policies of the act, and the marketing agreement and order. Tomatoes moving to, or sold in, certain outlets such as those specified in § 1014.54 of the marketing agreement and order are usually handled in a different manner. Such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of tomatoes for such purposes so that full opportunity may be taken under the program to improve orderly marketing conditions for tomatoes, thereby tending to increase total returns to tomato growers in the production area.

Some export markets accept certain grades, and particularly some sizes, which normally are discounted in some domestic markets. Provision should be made for the modification, suspension, or termination of regulations which may be applied to shipments for export so that this demand can be met when it is in the best interests of growers' returns to do so. For example, many small size tomatoes are exported to Canada. Occasional small shipments of low grades or unclassified tomatoes are made to Mexico. Prohibiting the exportation of such tomatoes would not increase sales of larger size or better quality tomatoes to these two countries. It has been the custom of most Canadian markets to prefer small sizes. The Mexican market for poor quality tomatoes from the production area is small and confined to border cities in Mexico. Differences in levels of consumer income among these outlets and differences in trading customs influence the nature of demand for tomatoes in these export outlets, so that authority for recognizing such differences should be included in the proposed

program. Therefore, the proposed marketing agreement and order should provide authority for regulating exports to Canada differently from domestic shipments, also exports to Mexico, or to any other export outlet, differently than domestic or any other export outlets.

The committee and the Secretary should have authority to give special consideration to tomatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and receivers. Occasional shipments are made from the production area to orphans' homes, hospitals, or similar facilities, and the committee should have the authority to waive some of the requirements in regard to such shipments.

The marketing agreement and order should provide that special consideration be given to the handling of tomatoes going to canning plants or other processing outlets. Shipments of tomatoes to be processed at canning plants are specifically exempted from regulation by the act. However, the committee should have the authority to require handlers making such shipments to give proper evidence that the shipments are going to the canning plant and the tomatoes are actually diverted into that outlet. No other regulation or restriction is implied on tomatoes for canning or processing. Such authority is necessary because occasional shipments of tomatoes from the production area are made to canning plants in Arkansas and other nearby States. It was testified at the hearing that the repacking of tomatoes should not be included under the term processing and that such repacking should not be given the same consideration as shipments made to canneries.

The State Agricultural College, through its Weslaco station which is located within the production area, is conducting various studies with respect to the production and marketing of tomatoes such as the acceptability of varieties, maturities, containers, and market preferences. Many of these studies are conducted with the cooperation of local shippers. Shipments are controlled since they are made under the direction of the station. However, shippers furnish the labor and packing facilities and oftentimes the tomatoes being shipped. The ultimate goal of such studies is to increase returns to the industry by reducing expenses and increasing consumer acceptance. The committee should have the authority to recommend the modification, suspension, or termination of regulations which might interfere with the successful completion of such studies.

The committee should be empowered to provide special treatment through modification, suspension, or terminations of regulations applicable to other special purposes which may develop in the future, and for other purposes which later may be specified by the committee with the approval of the Secretary.

It is appropriate and necessary that the Secretary of Agriculture notify the committee of any regulations or any modifications, suspensions, or termina-

tions of regulations so that the committee will be informed of such actions. It is also proper that the committee after having received from the Secretary notification of regulation should relay such information on to handlers and producers within the production area. If the marketing agreement and order program is to be successful, growers and handlers must be informed of actions taken pursuant to the program.

The authority for modifying, suspending, or terminating, grade, size, quality, assessment, or inspection regulations, should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards may include, but should not necessarily be limited to, inspection, so that the committee may have an accurate record of the grades, sizes, and qualities of tomatoes shipped to special outlets; application to make such special shipments; requirements for the payment of assessments in connection with such shipments; reports by handlers with respect to the number of such shipments and the amounts of tomatoes shipped; and assurances by purchasers and handlers that the tomatoes are to be used for the purposes designated.

In order to maintain appropriate identification of shipments of tomatoes to special outlets, safeguards authorized in the marketing agreement and order may provide for the issuance of Certificates of Privilege to handlers of such tomatoes and, in addition, may require that such handlers obtain such certificates on all shipments made by them to such special outlets. Certificates of Privilege may be issued by the committee as an indication of the authority for the handler to make such shipments and as a means of identifying specific shipments. The certificates should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information so that the issuance thereof may be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized to deny or rescind Certificates of Privilege when necessary to prevent abuse of the privileges conferred by such certificates. The committee should have authority to rescind or deny certificates when it finds upon satisfactory evidence that handlers to whom Certificates of Privilege have been issued handled tomatoes contrary to the provisions of the certificates previously issued to them. If the committee rescinds or denies a Certificate of Privilege to any handler, such action should be in terms of a specified period of time. Any handler who might have a Certificate of Privilege rescinded should have

the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed, or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith, and the committee should promptly notify all persons affected by any such action.

The committee should maintain records with respect to safeguards and to Certificates of Privilege, and should submit reports thereon to the Secretary when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order. Such reports should include the number of applications received, the number granted and denied, the quantity of tomatoes handled under such certificates, the purposes for which issued, and any other information that might be requested.

(h) Inspection and certification of tomatoes grown in the production area is a common and usual practice for the purpose of determining officially the grade, size, quality and maturity of such tomatoes. The Federal Inspection Service is available throughout the entire production area and its inspectors are well qualified to certify upon the basis of the United States Standards for Fresh Tomatoes or the United States Consumer Standards for Fresh Tomatoes. Tomato growers and handlers throughout the production area are acquainted with such service and with the inspection offered on shipments of tomatoes.

Provision should be made in the marketing agreement and order for inspection by the Federal Inspection Service, or such other inspection service as the Secretary may approve, of tomatoes grown in the production area and handled during any period in which such handling of tomatoes is regulated under the program. Such inspection requirements should apply to all tomatoes handled under regulations issued under the marketing agreement and order except when any such handling is relieved from inspection requirements pursuant to § 1014.53 or § 1014.54 of the marketing agreement and order. Inspection establishes a means whereby the handler, the buyer, the committee, the Secretary, and other interested parties may determine whether such tomatoes handled subject to regulations comply with the requirements of any particular grade, size, quality and maturity regulation in effect under the marketing agreement and order. Effective regulation of the handling of tomatoes grown in the production area requires that the grade, size, quality and maturity of each sale or shipment of such tomatoes should be authoritatively established. The provisions for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, quality and maturity of tomatoes

handled pursuant to the terms and conditions of the marketing agreement and order.

Provision should be made in the marketing agreement and order for authority to inspect tomatoes not only by personnel of the Federal Inspection Service, but also by personnel of such other inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal inspection is not available. In order to assure that production area tomatoes will not be shipped without inspection in the event the Federal Inspection Service is not available to furnish the service, the Secretary should be authorized to designate an appropriate inspection service to perform the inspection. Thus, there should always be an authoritative means of establishing the grade, size, quality and maturity of tomato shipments.

The requirement that no handler shall handle tomatoes unless each lot of tomatoes is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and necessary for the proper administration of the program. Such requirement should apply to all tomatoes handled except for those tomatoes which may be relieved of inspection requirements pursuant to § 1014.53 or § 1014.54 or both.

The marking of tomato containers with a number or other appropriate symbol to indicate they are part of a lot which has been inspected is a current practice among many Lower Valley tomato handlers. This marking or identification assists handlers in determining if such tomatoes have been inspected. Authority for making such marking a regulatory requirement, if the committee recommends and the Secretary approves, should be included in the proposed marketing agreement and order as a reasonable and necessary provision incidental to administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such tomatoes after they have been prepared for market since such person usually is responsible for the particular grade, size, quality and maturity to be shipped. Identification and certification of such tomatoes are essential to proper administration of the marketing agreement and order to determine whether such shipment accords with the grade, size, quality and maturity requirements issued under such order. The handler who first handles such tomatoes is required to obtain inspection and subsequent handlers may not handle tomatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment. Each handler must bear the responsibility for determining that each of his shipments is inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry its appropriate functions in determining if specific shipments have been inspected

and if they otherwise meet requirements of regulations issued pursuant to the marketing agreement and order.

Whenever any shipment of tomatoes subject to the terms and provisions of the marketing agreement and order have been prepared for market and inspected but are later dumped from the containers in which they were inspected, such tomatoes lose their identity insofar as the original inspection certificate is concerned and such inspection certificate no longer applies. If any such lot of tomatoes is thereafter repacked, such tomatoes, even though they may have been previously inspected in other containers, must meet regulations issued under the marketing agreement and order. Since the original certificate is no longer valid such tomatoes must be reinspected before they are shipped because it is not possible to determine whether the tomatoes which are being shipped meet the grade, size, or other regulatory requirements of the marketing agreement and order unless they are so inspected and certified. In this way handlers and the committee will be assured that such shipments comply with such regulations. The committee with the approval of the Secretary may provide for the exemption of such inspection requirements on regraded, resorted, or repacked tomatoes in circumstances where it appears reasonably certain that such tomatoes meet the applicable regulations after regrading, resorting and repacking.

The committee with the approval of the Secretary should be authorized to determine the length of time inspection certificates are valid insofar as requirements of the marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers because tomatoes are an extremely perishable commodity. It is not feasible and practical for the committee to recognize inspection certificates which may have been issued days previously, since the tomatoes so inspected could have since deteriorated and no longer comply with requirements in effect at the time the final shipment is made.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly by the appropriate inspection service so that such committee may properly discharge its administrative responsibilities under the program.

The committee should have the authority to recommend, and the Secretary to require, that any tomatoes transported by motor vehicle be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated. A large quantity of the tomatoes grown in the production area are trucked from the production area to market. By requiring the operators of such vehicles to surrender copies of inspection certificates applicable to their shipments upon demand to such authority as may be designated, evidence will be

readily available that such shipments meet or comply with the requirements of the marketing agreement and order. The evidence indicates that such a requirement is not necessary with respect to other types of shipments, such as by railroad.

(i) Certain hazards are encountered in the production of tomatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such tomatoes. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit such applicants to sell their equitable proportion of all shipments from the production area. It is contemplated, however, that such an exemption will require the approved applicant to sell his best quality tomatoes.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of tomatoes in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted tomatoes which each such applicant may sell.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to each procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1014.80 of the agreement and order and such reports should be those necessary for operation of the committee in carrying out the terms and conditions of the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and

at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order, because changing conditions may warrant changes in the forms and methods of reporting. The Secretary should retain the right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Permissive use of the specified reporting requirements, and verifications of such reports and records by the committee will provide a means for it to check on compliance with and operation of the marketing agreement and order.

Since it is possible that a question might arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of tomatoes for not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classifications and be disclosed to none other than persons authorized by the Secretary.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle tomatoes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle tomatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of tomatoes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 1014.82 through 1014.92, as published in the FEDERAL REGISTER of September 1, 1956 (21 F. R. 6612), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1014.93 through 1014.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of

the act with respect to tomatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest:

(2) The said marketing agreement and order authorizes regulation of the handling of tomatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes, as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until October 25, 1956 to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. Briefs were filed by Sid L. Hardin, Edinburg, Texas, attorney for the opponents and by Ewers, Cox and Toothaker, McAllen, Texas, attorneys for the proponents.

Each point covered in the arguments of the respective attorneys was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. The attorney for the opponents established the point at the hearing that grower-shipper representation on the committee was desirable and essential for effective operation of the program. The proposed marketing agree-

ment and order as hereinafter set forth, provides that at least four of the nine members of the administrative agency must be producer-handlers. The attorney for the proponents also argued the point that the proposed order makes no provision for the handling and shipment of pink tomatoes. The findings of facts as herein above established and the authority for the proposed marketing agreement and order do not establish any prohibition against the handling of pink tomatoes. The findings on the evidence in the record and the proposed marketing agreement and order provide that pink tomatoes shall receive consideration and, to the extent that it may be justified by sound marketing practices, regulations can be different for pink tomatoes than for mature green tomatoes when and if regulations are justified with respect to the marketing of tomatoes from the Lower Valley.

Attorneys for the opponents argued the point that the fiscal period should be so established as to give recognition to the early spring crop of tomatoes in the Lower Valley and the varying dates on which shipments start from such areas. The proposed marketing agreement and order as hereinafter set forth provide for such consideration.

The attorneys for the opponents also argued the point that on meetings by the committee which are held by telephone, telegraph or other means of communication the procedure or requirements should be strengthened so that unanimous approval of any proposal so submitted should be required in order to approve committee action. The proposed marketing agreement and order so provide.

To the extent that the findings and provisions proposed in the briefs and arguments submitted by attorneys for the opponents and for the proponents are inconsistent with the findings and conclusions contained herein, the request to make such conclusions are denied on the basis of facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1014.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1014.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1014.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1014.4 *Production area.* "Production area" means all territory in the

counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

§ 1014.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (*lycopersicon esculentum*) commonly known as tomatoes and grown within the production area.

§ 1014.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 1014.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce between the production area and any point outside thereof: *Provided,* That such terms will not include the transportation, sale, or delivery of tomatoes by a producer to a handler who is registered as such with the committee.

§ 1014.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 1014.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 1014.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1014.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 1014.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 1014.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 1014.14 *Varieties.* "Varieties" means and includes all classifications, subdivisions, or types of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1014.15 *Committee.* "Committee" means the Texas Valley Tomato Committee, established pursuant to § 1014.22.

§ 1014.16 *Fiscal period.* "Fiscal period" means the annual period beginning

March 1, and ending on the last day of February of the following year, or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1014.17 *District*. "District" means each of the geographic divisions of the production area initially established pursuant to § 1014.24 or as reestablished pursuant to § 1014.25.

§ 1014.18 *Export*. "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 1014.22 *Establishment and membership*. (a) The Texas Valley Tomato Committee, consisting of 9 producer members, of whom at least 4 shall be producer-handlers, is hereby established. For each member of the committee there shall be an alternate. At least 4 of the alternate members shall also be producer-handlers.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected and a resident of the production area. An officer or employee of a cooperative association of tomato producers which markets the tomato production of its members shall be eligible to serve on the committee as a producer-handler member or alternate. In addition the producer-handler representatives shall be handlers in the production area.

§ 1014.23 *Term of office*. (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1014.24 *Districts*. For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The County of Cameron in the State of Texas;

District No. 2. The County of Hidalgo in the State of Texas;

District No. 3. The County of Starr in the State of Texas; and

District No. 4. The County of Willacy in the State of Texas.

§ 1014.25 *Redistricting*. The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable rela-

tionship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1014.26 *Selection*. The Secretary shall select initially three members and their respective alternates from District 1; four members and their respective alternates from District 2; one member and his alternate from District 3; and one member and his alternate from District 4.

§ 1014.27 *Nomination*. The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and producer-handlers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers and producer-handlers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1014.28 *Failure to nominate*. If nominations are not made within the time and in the manner specified in § 1014.27, the Secretary may, without regard to nominations, select the committee members and alternates, which se-

lection shall be on the basis of the representation provided for in §§ 1014.24 through 1014.26 inclusive.

§ 1014.29 *Acceptance*. Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1014.30 *Vacancies*. To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1014.27. If the name of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1014.24 through 1014.26, inclusive.

§ 1014.31 *Alternate members*. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1014.32 *Procedure*. (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing; *Provided*, That at any unasssembled meeting unanimous vote of all committee members will be required to approve any action.

§ 1014.33 *Expenses and compensation*. Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1014.34 *Powers*. The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1014.35 *Duties*. It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and

regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1014.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1014.41 *Budget.* As soon as practicable after the beginning of each fiscal

period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1014.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1014.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. An appropriate fidelity bond shall be required for all committee members or personnel responsible for receipt, custody, or disposition of committee funds. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and

funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1014.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; except

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1014.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 1014.42.

REGULATION

§ 1014.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1014.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the

committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

- (a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;
- (b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;
- (c) Trend and level of consumer income;
- (d) Marketing conditions affecting tomato prices; and
- (e) Other relevant factors.

§ 1014.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1014.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

§ 1014.52 *Issuance of regulations.* (a) The Secretary shall limit by regulation the handling of tomatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act.

(b) Such regulation may:

- (1) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or
- (2) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different purposes specified in § 1014.54, or any combination of the foregoing, during any period; or
- (3) Limit the shipment of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or
- (4) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 1014.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1014.42, 1014.52, 1014.54, or 1014.60, or any combination thereof.

§ 1014.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1014.42, 1014.52, 1014.53, or 1014.60, or any combination thereof, in order to facilitate shipments of tomatoes for the following purposes:

- (a) For export;
- (b) For relief or for charity;
- (c) For processing;
- (d) For experimental projects; or
- (e) For other purposes which may be specified.

§ 1014.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1014.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent tomatoes handled pursuant to §§ 1014.53 or 1014.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

- (1) Handlers shall file applications with the committee to handle tomatoes pursuant to §§ 1014.53 and 1014.54; or
- (2) Handlers shall obtain inspection provided by § 1014.60, or pay the assessment levied pursuant to § 1014.42, or both, in connection with shipments made under § 1014.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of tomatoes affected or to be affected under the provisions of §§ 1014.53 and 1014.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 1014.53 and 1014.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1014.60 *Inspection and certification.* (a) During any period in which handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1014.53, or 1014.54, or both. Handlers may be required, upon recommendation of the committee and approval of the Secretary, to mark or indicate on the containers that the tomatoes therein have been inspected.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as

the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(d) When tomatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that any tomatoes transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 1014.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1014.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 1014.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 1014.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appel-

lant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1014.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1014.70, 1014.71, 1014.72, or 1014.73, or any combination thereof.

REPORTS

§ 1014.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition and of all tomatoes handled pursuant to §§ 1014.53 and 1014.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1014.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle to-

matos except in conformity to the provisions of this subpart.

§ 1014.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1014.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1014.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of tomatoes for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1014.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all

of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1014.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1014.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1014.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1014.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1014.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1014.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1014.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1014.93 *Counterparts.* This agreement may be executed in multiple coun-

terparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 1014.94 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 1014.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of tomatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act such an order.¹

Done at Washington, D. C., this 11th day of January 1957.

[SEAL]

F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-284; Filed, Jan. 15, 1957;
8:46 a. m.]

Agricultural Research Service

[7 CFR Part 301]

MISSOURI, NORTH CAROLINA, TENNESSEE
NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF "YELLOW DWARF" DISEASE OF SOYBEANS

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that the "yellow dwarf" disease of soybeans, a dangerous disease notoriously injurious to soybeans and certain other plants, caused by the soybean cyst nematode (*Heterodera glycines* Ichinoke), not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of Missouri, North Carolina, and Tennessee.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Missouri, North Carolina, and Tennessee, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) any soybean cyst nematode in any stage of development; (2) soil, as such or attached to articles or things; (3) nursery stock and other plants with roots attached; (4) true bulbs, corms, rhizomes and tubers; (5) root crops; (6) soybeans and soybean hay; (7) farm

¹ Applicable only to the proposed marketing agreement.

tools, implements and harvesting machinery; (8) construction and maintenance equipment; (9) used crates, boxes, burlap bags and other farm products containers; (10) trucks, wagons, railway cars, boats, and other means of conveyance; and (11) other articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 31, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 31, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-298; Filed, Jan. 15, 1957;
8:49 a. m.]

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that a dangerous disease notoriously injurious to corn, sorghum, and other crops of the grass family, as yet unnamed, but, variously known as witchweed wilt of corn, witchweed stunt of corn, Striga disease of corn, or Asiatic disease of corn, caused by an introduced species of the genus *Striga*, commonly known as witchweed, not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of North Carolina and South Carolina.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of North Carolina and South Carolina, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (*Striga* spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment;

(8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 30, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 30, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-299; Filed, Jan. 15, 1957;
8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 810]

[Hearing Clerk Docket No. SH-147]

PROCESSING OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW SUGAR OR DIRECT-CONSUMPTION SUGAR

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS TO RECOMMENDED DECISION

Pursuant to the rules of practice and procedure in Sugar Regulation 801 (21 F. R. 4251), and upon request received, notice is hereby given of an extension of time within which interested persons may file written exceptions to the Administrator's Recommended Decision with respect to Processings of Sugar Which Constitute Further Refinement or Improvement in Quality, and Distinction of Sugars of Specific Qualities as Raw Sugar or Direct-Consumption Sugar. Written exceptions may be filed with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than February 7, 1957. The recommended decision was published in the FEDERAL REGISTER on January 8, 1957 (22 F. R. 170).

Done at Washington, D. C., this 14th day of January 1957.

[SEAL]

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-368; Filed, Jan. 15, 1957;
8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION
NO. 25

JANUARY 7, 1957.

Pursuant to the authority delegated to me under Section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e), for commercial, and/or industrial purposes:

SITKA AREA

A small parcel of unsurveyed land located about 8 miles north of Sitka, Alaska, between the North Sitka Highway and the waters of Starrigavan Bay and to the northeast of an unnamed creek which is bridged by the highway at approximate Station 355+00 further described as follows: Starting at a point common with Station 356+00 on the centerline of the North Sitka Highway to be known as Corner 1; thence at right angles to said centerline N. 41° 47' W. a distance of approximately 475 feet to Corner 2 located on the shore of Starrigavan Bay; thence meandering along said shore in an easterly direction a distance of approximately 475 feet to Corner 3, a point on said shore; thence S. 41° 47' E. a distance of approximately 150 feet to Corner 4 common with a point located on the centerline of the North Sitka Highway to Station 359+50; thence S. 48° 13' W. along said centerline a distance of 350 feet to Corner 1 and point of beginning and to contain approximately 3 acres.

The above land will be offered for sale in accordance with regulations contained in Title 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

L. T. MAIN,

Acting Operations Supervisor.

[F. R. Doc. 57-275; Filed, Jan. 15, 1957;
8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expira-

tion dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in regulations, Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-4-57 to 1-3-58; 10 learners (sport shirts).

Dunhill Shirt Co., Holden, Mo.; effective 1-8-57 to 1-7-58 (men's shirts).

Dunhill Shirt Co., Lexington, Mo.; effective 1-12-57 to 1-11-58 (men's shirts).

East Salem Shirt Factory, Mifflintown, R. D., Delaware Township, Juniata County, Pa.; effective 12-27-56 to 12-27-57 (dress and sport shirts).

Holiday Wear, Inc., Ridgeland, S. C.; effective 12-27-56 to 12-26-57 (ladies' cotton dresses).

Jayson York, Inc., East Street and Pennsylvania Avenue, York, Pa.; effective 1-4-57 to 1-3-58 (men's sport shirts).

Lucy Frock, Inc., 107 North Main Street, Hillsboro, Kans.; effective 12-31-56 to 12-30-57; 5 learners (children's dresses).

Mahanoy City Sportswear, Inc., 108-110 South Main Street, Mahanoy City, Pa.; effective 1-13-57 to 1-12-58 (men's sport shirts).

McAllisterville Shirt Factory, L. Shellenberger & Sons, Box A, McAllisterville, Fayette Township, Juniata County, Pa.; effective 12-28-56 to 12-27-57 (dress and sport shirts).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-56 to 12-27-57 (dress and sport shirts).

Rite Form Corset Co., Inc., 64 West 23d Street, New York, N. Y.; effective 12-29-56 to 6-28-57 (corsets and brassieres).

Troutman Shirt Co., Inc., Mooresville, N. C.; effective 1-13-57 to 1-12-58 (work shirts and work pants).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y.; effective 12-31-56 to 12-30-57 (men's dress shirts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., Warsaw, Ind.; effective 12-31-56 to 6-30-57; 10 learners (men's and boys' dungarees).

Byrds Manufacturing Corp., Star City, Ark.; effective 12-27-56 to 3-20-57; 100 learners (boys' sport shirts) (Supplemental certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

K & P, Inc., 1501 Lincoln Street, Laredo, Tex.; effective 1-2-57 to 5-1-57; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of polisher and press operator; authorizing the employment of 10 learners for plant expansion purposes (metal watch bands).

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J.; effective 1-2-57 to 7-1-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's suits, sportcoats and slacks).

Noble Products Co., 306 West Street, Caldwell, Ohio; effective 12-28-56 to 6-27-57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 6 learners for normal labor turnover purposes (life preserver vests, etc.).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Adelphian Academy, Holly, Mich.; effective 1-1-57 to 8-31-57; woodworking shop (trellises, bird houses, etc.); not less than 85 cents per hour for a maximum of 240 hours, for the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations; authorizing the employment of 40 student-workers.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of the Regulations, Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 7th day of January 1957.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 57-276; Filed, Jan. 15, 1957;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 57M-29]

PERRY COUNTY BROADCASTING CO.
(WWOW)

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

The Hearing Examiner having under consideration a motion for continuance filed by the applicant on January 3, 1957, requesting that the hearing now scheduled for January 14, 1957, be scheduled for "a new date to be specified as fourteen days after the Commission announces its decision on a pending Petition for Reconsideration";

It appearing that the time for filing opposition to the motion has expired; that no objection has been filed; and that good cause has been shown for a continuance;

It is ordered, This 10th day of January 1957, that the motion for continuance is granted to the extent that the hearing now scheduled for January 14, 1957 is continued to February 14, 1957, at 10:00 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-289; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11852; FCC 57M-30]

RICHARD F. LEWIS, JR., INC.

ORDER CONTINUING HEARING

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP-10510; for construction permit to increase power and to make other changes.

It is ordered, This 10th day of January 1957, that, on the Hearing Examiner's own motion in order to permit additional time for the exchange of exhibits, and with the concurrence of all counsel, the hearing in the above-entitled proceeding, which is presently scheduled for January 14, 1957, be, and the same is hereby, continued to January 22, 1957, commencing at 10:00 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-290; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11863; FCC 57M-31]

RISDEN ALLEN LYON

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Risden Allen Lyon, Hamlet, North Carolina, Docket No. No. 11—4

11863, File No. BP-10452; for construction permit.

It is ordered, This 10th day of January 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 o'clock a. m., January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-291; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11900; FCC 57-26]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER DESIGNATING MATTER FOR HEARING AND INVESTIGATION

In the matter of Mackay Radio and Telegraph Company, Inc., Docket No. 11900; revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of January 1957;

The Commission having under consideration:

(a) Revised tariff schedules filed by Mackay Radio and Telegraph Company, Inc., to become effective January 10, 1957, designated as follows:

Mackay Radio and Telegraph Company, Inc.

Tariff F. C. C. No. 37.
4th Revised Page 9.
1st Revised Page 12.

which, respectively, revise section B 12, Teleprinter Station Equipment, so as to amend paragraph a and delete paragraph b, and revise section C 5, Teleprinter Station Equipment, so as to delete it in its entirety;

(b) A letter from the Commission dated December 12, 1956, to Mackay Radio and Telegraph Company, Inc., in reference to the above revised tariff schedules indicating that there appeared to be questions of their legality in certain respects;

(c) A response to such letter filed December 20, 1956, by Mackay Radio and Telegraph Company, Inc.;

(d) A letter filed December 31, 1956, by RCA Communications, Inc., as supplemented by a further letter filed January 3, 1957, in which certain objections were raised to the revised tariff schedules and in which the Commission was requested to suspend the operation of 4th Revised Page No. 9; and

(e) A letter filed January 7, 1957, by Mackay Radio and Telegraph Company, to supplement its position as well as to answer the December 31 letter of RCA Communications, Inc.;

It appearing that the above revised tariff schedules will result in an offer by the Company "[u]pon reasonable demand" to provide, install, and maintain on customers' premises in the cities of New York, Washington, San

Francisco, or Honolulu, without additional charge above published international telex charges, "tie-line connections" subject to the availability of such facilities;

It further appearing that the Commission is unable to determine from an examination of the revised tariff schedules whether the above offer will be lawful under the Communications Act of 1934, as amended, insofar as the offer contains the phrases "[u]pon reasonable demand" and "tie-line connections";

It further appearing that the response of Mackay Radio and Telegraph Company, Inc., to the Commission letter of December 12, 1956, does not resolve the aforementioned problems;

It further appearing that if the above mentioned revised tariff schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby;

It is ordered, That pursuant to sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the classifications, regulations, and practices set forth in the above-mentioned proposed offer;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned revised tariff schedules are hereby suspended until the 10th day of April 1957, unless otherwise ordered by the Commission, and that during said period of suspension no changes shall be made in the suspended revised tariff schedules unless authorized by special permission of the Commission;

It is further ordered, That without in any way limiting the scope of the investigation and hearing as above ordered, it shall include consideration of the following specific issues:

(a) Whether the revised tariff schedules may be unjust or unreasonable under section 201 of the Communications Act of 1934, as amended, in that:

(1) They may affect the earnings of the filing company adversely by decreasing revenues and increasing costs so that its ability to provide a rapid and efficient communication service with adequate facilities at reasonable charges may be impaired; or

(2) They may similarly adversely affect the earnings of other international telegraph carriers providing international teletypewriter service because competitive considerations may induce such carriers to adopt similar tariff provisions and thereby may impair the ability of such other carriers to provide a rapid and efficient communication service with adequate facilities at reasonable charges;

(b) Whether the revised tariff schedules are unjustly or unreasonably discriminatory under section 202 of the Communications Act of 1934, as amended, in that they fail to set standards which would prevent such discrimination;

(c) Whether the revised tariff schedules are unlawful under section 203 of the Communications Act of 1934, as

amended, and fail to meet the requirements of § 61.55 of the Commission rules as to clear and explicit language.

It is further ordered, That a copy of this order be filed in the offices of the Commission with the revised tariff schedules herein suspended, that the Mackay Radio and Telegraph Company, Inc., and protestant RCA Communications, Inc., are hereby made parties to the proceeding, and that a copy thereof shall be served upon each of said parties;

It is further ordered, That a copy of this order shall be served upon Globe Wireless Ltd. which also offers an international teleprinter exchange service, and that such carrier may participate in the proceeding herein by filing a notice of intention to participate within twenty days after the date this order is released;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order; and that the presiding officer shall certify the record to the Commission without preparing either a recommended or initial decision.

Released: January 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-292; Filed, Jan. 15, 1957; 8:48 a. m.]

[Docket No 11902; FCC 57-36]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

[Canadian Change List 107]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 10, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

[F. R. Doc. 57-293; Filed, Jan. 15, 1957; 8:48 a. m.]

[SEAL] MARY JANE MORRIS, Secretary.

General area	Channels	
	Delete	Add
Hagerstown, Md.	205	205
Cumberland, Md.	234	234
Baltimore, Md.	294	294

List of changes, Proposed changes and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph Meeting January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of change or commencement of operation
CKPR	Fort William, Ontario	580 kilocycles 5 kw D/1 kw N	ND	U	III	Dec. 1, 1957.
CFRG	Gravelbourg, Saskatchewan	710 kilocycles 5 kw	ND	D	II	N in O.
CJVI	Victoria, British Columbia	900 kilocycles 10 kw	DA-1	U	II	Dec. 1, 1957.
CKBI	Prince Albert, Saskatchewan	10 kw	DA-2	U	II	Dec. 1, 1957.
CKLY	Lindsay, Ontario	910 kilocycles 1 kw	DA-1	U	III	N in O.
CHUM	Toronto, Ontario	1,050 kilocycles 2.5 kw	DA-1	U	II	Dec. 1, 1957.
CHED	Edmonton, Alberta	1,080 kilocycles 10 kw D/1 kw N	DA-N	U	II	Dec. 1, 1957.
CFRG	Gravelbourg, Saskatchewan	1,230 kilocycles 0.25 kw	ND	U	IV	Delete assignment.
CFRG	Gravelbourg, Saskatchewan	25 kw	ND	Night only	IV	N in O with new call letters.
CHWO	Oakville, Ontario	1250 kilocycles 1 kw. D/0.5 kw. N	DA-1	U	III	Assignment of call letters.
CKSL	London, Ontario	1290 kilocycles 5 kw	DA-1	U	III	N in O.
New	Weyburn, Saskatchewan	1310 kilocycles 0.25 kw	ND	U	IV	E I O Dec. 1, 1957.
CKEN	Kentville, Nova Scotia	1550 kilocycles 0.1 kw	DA-N	U	III	N in O.
New	Amherst, Nova Scotia	1,000 kilocycles 0.25 kw	ND	U	IV	Dec. 1, 1957.
CKEN	Kentville, Nova Scotia	1,090 kilocycles 0.25 kw	ND	U	IV	Delete assignment.
CFRS	Simcoe, Ontario	1560 kilocycles 0.25 kw	ND	D	II	N in O.
CFRY	Portage la Prairie, Manitoba	1570 kilocycles 0.25 kw	ND	U	II	N in O.
CFOR	Orillia, Ontario	10 kw D/1 kw N	ND	U	II	Dec. 1, 1957.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS, Secretary.

[F. R. Doc. 57-294; Filed, Jan. 15, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11432]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 9, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on November 6, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application

which is on file with the Commission and open to public inspection.

Applicant seeks authorization to render natural gas service to Intermountain Gas Company, Incorporated (Intermountain) for resale in the Village of Declo, Cassia County, Idaho. For this purpose Applicant seeks further authorization to construct and operate a main line tap meter and regulator on its main line in Idaho about half a mile south of Declo.

The Village of Declo is not now served with natural gas. Intermountain estimates that the first three years of operation will show the following requirements:

Year of operation	Peak day (Mcf)	Annual (Mcf)
1.....	32	2,930
2.....	39	3,690
3.....	45	4,200

Intermountain has received a franchise from the community of Declo and a certificate from the Idaho Public Utilities Commission permitting it to operate a natural gas system in Cassia County for service to communities therein.

Applicant estimates it will spend \$15,320 out of currently available funds to build its proposed facilities.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-277; Filed, Jan. 15, 1957;
8:45 a. m.]

[Docket No. G-11710]

TEXAS CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN
RATES

The Texas Company (Operator) et al.,
on December 5, 1956, submitted for filing

proposed changes in rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following filing:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 5 to Phillips FPC Gas Rate Schedule No. 133.

Proposed effective date: January 23, 1957.¹

In support of the proposed increased rate, Texas states that the contract resulted from bona fide, arms' length bargaining and that the increases are justified on a continuing basis because of increasing operating costs due to work-over wells; replacement, addition and repair of equipment; exploratory and drilling costs of new wells; and interest lost on deferred income occasioned by extending the sale over 20 years.

The proposed increased rates and charges designated above have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 23, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.²

Issued: January 9, 1957.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-278; Filed, Jan. 15, 1957;
8:45 a. m.]

¹ The stated effective date is the first day after the expiration of the required thirty days notice or the effective date proposed by Texas, if later.

² Commissioner Digby dissenting.

[Docket No. G-11711]

NICKLOS OIL & GAS CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN
RATES

Nicklos Oil & Gas Co., et al. (Nicklos), on December 11, 1956, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of change, dated December 10, 1956.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Nicklos' FPC Gas Rate Schedule No. 1.
Effective date: January 11, 1957.¹

As support for the proposed increase Nicklos recites, among other things, that the contract provides for a favored-nations rate increase in the event that a buyer pays a higher rate within 50 miles of the point of delivery, and that buyer has agreed to pay another producer a higher rate. Nicklos further states that the proposed rate will not exceed some other area rates.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37

¹ The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Nicklos, if later.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 9, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-279; Filed, Jan. 15, 1957;
8:45 a. m.]

[Docket No. G-11712]

H. S. COLE, JR., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN
RATES

H. S. Cole, Jr., et al. (Cole), on December 17, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of change, dated December 15, 1956.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Cole's FPC Gas Rate Schedule No. 3.
Effective date: January 17, 1957.

As support for the proposed increase Cole recites, among other things, that the contract provides for a favored-nations rate increase in the event that a buyer pays a higher rate within 50 miles of the point of delivery, and that buyer has agreed to pay another producer a higher rate. Cole further states that the proposed rate will not exceed some other rates in the area.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 17, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought

to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 9, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-280; Filed, Jan. 15, 1957;
8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL FLOOD INDEMNITY COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO FEDERAL FLOOD INDEMNITY PROGRAM

1. The Federal Flood Indemnity Commissioner (hereinafter called the "Commissioner") is hereby delegated authority to execute the powers and functions vested in the Housing and Home Finance Administrator under the provisions of the Federal Flood Insurance Act of 1956, 70 Stat. 1078, 42 U. S. C. 2401 (hereinafter called the "act"), except the authority to:

(a) Issue notes or other obligations for purchase by the Secretary of the Treasury under section 15 (e) of the act;

(b) Enter into contracts, leases, cooperative agreements, or other transactions for administrative supplies, equipment, and services necessary for operation and maintenance of the Federal Flood Indemnity Administration offices, under section 18 (b); and

(c) Appoint and fix the compensation of officers, attorneys, and employees necessary to carry out the purposes of the act, under section 18 (d).

2. The Commissioner is further authorized to redelegate, and authorize successive redelegations of, any of the powers and functions hereby delegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; 70 Stat. 1085 (1956), 42 U. S. C. 2417)

Effective as of the 4th day of January 1957.

[SEAL] ALBERT M. COLE,
Housing and Home
Finance Administrator.

[F. R. Doc. 57-285; Filed, Jan. 15, 1957;
8:46 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 51-101]

COMMUNIST PARTY OF THE UNITED STATES

Herbert Brownell, Jr., Attorney General of the United States, Petitioner v. The Communist Party of the United States of America, Respondent.

Upon reconsideration by the Board of its prior determination in this proceed-

ing, pursuant to the decision of the United States Supreme Court, sub nom. Communist Party of the United States of America v. Subversive Activities Control Board, 351 U. S. 115, and the resultant order of the United States Court of Appeals for the District of Columbia Circuit entered May 16, 1956, the Board, proceeding under section 14 (a) of the Subversive Activities Control Act of 1950 on December 18, 1956, reaffirmed its prior Order requiring the Communist Party of the United States of America to register as a Communist-action organization under section 7 (a), (c), and (d) of the above act. In so doing it entered the following Recommendation:

Pursuant to section 14 (a) of the act, it is recommended that the United States Court of Appeals for the District of Columbia Circuit affirm the Board's Order entered April 20, 1953, requiring the Communist Party of the United States to register as a Communist-action organization under section 7 of the Subversive Activities Control Act of 1950.

(Signed) Thomas J. Herbert, Chairman,
(Signed) Francis A. Cherry, Member, (Signed) R. Lockwood Jones, Member, (Signed) James R. Duncan, Member, (Signed) Dorothy McCullough Lee, Member.

December 18, 1956.

Washington, D. C.

DOROTHY MCCULLOUGH LEE,
Chairman.

JANUARY 9, 1957.

[F. R. Doc. 57-255; Filed, Jan. 14, 1957;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 147]

MOTOR CARRIER APPLICATIONS

JANUARY 11, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

Motor carriers of property. No. MC 531 (Sub No. 76), filed November 30, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, 4904 Griggs Rd., Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a common carrier, over irregular routes, transporting: *Drilling fluids* requiring the use of vacuum tank equipment, in vacuum tank vehicles, between points in New Mexico, Colorado, Utah, and Arizona.

HEARING: February 26, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

¹ The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Cole, if later.

No. MC 2245 (Sub No. 2), filed November 15, 1956, THE O. K. TRUCKING COMPANY, a Corporation, 1810 South St., Cincinnati, Ohio. Applicant's representative: Jack B. Josselson, Atlas Bank Bldg., Cincinnati 2, Ohio. For authority to operate as a common carrier, transporting: *General commodities, including Class A and B explosives*, and excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Cincinnati, Ohio, and Greensburg, Ind., from Cincinnati over U. S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to Greensburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky.; and between Vevay, Ind., and Indianapolis, Ind.; (2) between Louisville, Ky., and Indianapolis, Ind., from Louisville over U. S. Highway 31E and 31W to junction U. S. Highway 31, thence over U. S. Highway 31 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky.; between Vevay, Ind., and Indianapolis, Ind., and in combination with that route and authorized regular route between Versailles, Ind., and Madison, Ind.; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (3) (a) between Louisville, Ky., and Ashland, Ky., over U. S. Highway 60, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky., and between Cincinnati, Ohio, and Charleston, W. Va.; (b) from junction U. S. Highway 60 and U. S. Highway 421 (at or near Frankfort, Ky.) as a point of joinder only, to junction U. S. Highway 421 and U. S. Highway 60 (at or near Lexington, Ky.) as a point of joinder only, over U. S. Highway 421; and (c) from junction U. S. Highway 60 and Kentucky Highway 151, as a point of joinder only, over Kentucky Highway 151 to junction U. S. Highway 62, thence over U. S. Highway 62 to junction U. S. Highway 60 as a point of joinder only, and return over the same routes described in (a), (b) and (c), serving no intermediate points, as alternate routes for operating convenience in connection with applied-for alternate route authority in (3) (a) above; and (4) between Aurora and Versailles, Ind., over U. S. Highway 50, serving all intermediate points.

NOTE: By No. (4) above applicant proposes to remove the restriction existing in its certificate No. MC 2245 relating to designation "Between Versailles, Ind., and Aurora, Ind." Applicant is authorized to transport the commodities specified in Indiana, Kentucky, Ohio, and West Virginia.

HEARING: March 7, 1957, in Room 712, Federal Bldg., Cincinnati, Ohio, before Joint Board No. 208.

No. MC 3379 (Sub No. 36), filed December 28, 1956, SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's representative: Homer S. Carpenter, Suite 618 Perpetual Bldg., 1111 E. Street, N. W., Washington 4, D. C. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, serving the site of the missile-testing laboratory to be built by Thompson Products, Inc. near Rocky-mount, Va. as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities in Ohio, Virginia, Pennsylvania, and Maryland.

HEARING: February 18, 1957, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 4405 (Sub No. 285), filed December 6, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Bldg., Memphis, Tenn. For authority to operate as a common carrier, over irregular routes, transporting: (a) *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveway service, from Albuquerque, N. Mex., to points in the United States; (b) *Tractors*, other than farm tractors, in secondary movements, in driveway service, only when drawing trailers moving in initial driveway movements, from Albuquerque, N. Mex., to points in Arizona, Nevada, Oregon, and Vermont; and (c) *Truck and trailer bodies*, assembled and unassembled, from Albuquerque, N. Mex., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 25, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 6851 (Sub No. 1), filed December 3, 1956, GEORGE STANFIELD & MAURICE STANFIELD, doing business as STANFIELD TRUCK LINE, Lake City, Iowa. Applicant's representative: Russell H. Wilson, 443 S. W. 6th Street, Des Moines, Iowa. For authority to operate as a common carrier, over irregular routes, transporting: *Cracklings, Tankage, meat scraps*, in bulk, and *Feather meal* in bulk, and in packages, from Woodward, Corning, and Lake City, Iowa, to New Ulm, Redwood Falls, Minneapolis and St. Paul, Minn., and points within five (5) miles of each. Applicant is authorized to conduct operations in Iowa and New Ulm, Minn.

HEARING: February 27, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 9685 (Sub No. 54), filed January 3, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 S. Pulaski Rd., Chicago 29, Ill. Applicant's representa-

tive: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a contract carrier, over irregular routes, transporting: (1) *Frozen foodstuffs and perishable foodstuffs*, requiring refrigeration, *meats, packing house products and commodities used by packing houses* as defined by the Commission, between Chicago, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia; (2) *Meats, packing house products and commodities used by packing houses* as defined by the Commission, between Peoria, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia; (3) *Materials, machinery and supplies* used in the manufacture and distribution of the above-mentioned commodities, including *returned skids, pallets, hooks and racks*, from the destination territory described above to Chicago and Peoria, Ill. Applicant is authorized to transport similar commodities in the States of Wisconsin, Illinois, Indiana, Iowa, Michigan, Ohio, Pennsylvania, New York, Missouri, Kentucky, Minnesota, and West Virginia.

NOTE: Applicant is presently authorized to conduct contract carrier operations under Permit No. MC 9685 and sub numbers thereunder. Application on file in No. MC 114019 to change from contract to common. Pending final determination in MC 114091, dual operations may be involved. Applicant filed application in MC 114019 Sub 8, December 3, 1956, for same authority requested above as a common carrier.

HEARING: February 20, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner William E. Messer.

No. MC 9685 (Sub No. 55), filed January 3, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a contract carrier, over irregular routes, transporting: *Meats, packing-house products and commodities used by packing-houses*, as defined by the Commission, between Indianapolis, Ind., and Storm Lake, Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Applicant is authorized to transport similar commodities in Wisconsin, Illinois, Iowa, Michigan, Ohio, Pennsylvania, New York, Missouri, Kentucky, Minnesota, and West Virginia.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 9685 and sub numbers thereunder. Application on file in No. MC 114019 to change from contract to common. Applicant filed application in MC 114019 (Sub No. 9) for same authority as requested above as a common carrier. Dual operations and common control may be involved.

HEARING: February 20, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner William E. Messer.

No. MC 10672 (Sub No. 5), filed December 18, 1956, FRED BAHR, doing business as BAHR GRAIN CO., Barnesston, Nebr. Applicant's representative: J. Max Harding, 901 S. 13th St., Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial feeds*, from points in Richardson and Gage Counties, Nebr. to points in Kansas; *damaged shipments of commercial feeds* on return. Applicant is authorized to transport feed from Kansas City, and St. Joseph, Mo. to Liberty, Nebr. and points within 20 miles of Liberty.

HEARING: March 4, 1957, at the Nebraska State Railway Commission, Capitol Bldg., Lincoln, Nebr., before Joint Board No. 19.

No. MC 10761 (Sub No. 63), filed December 31, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, % Miss Sarah Herlihy, 1383 National Press Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located on Ohio Highway 91 near Darrowville (Summit County), Ohio, as an off-route point in connection with applicant's authorized regular route operations (1) between Cleveland, Ohio and Pittsburgh, Pa., over Ohio Highway 14 and (2) between Cleveland, Ohio and Kennedy, N. Y., over Ohio Highway 8. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 18535 (Sub No. 30), filed November 19, 1956, O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, St. Matthews, S. C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Re-inforced concrete pipe, pre-stressed and pre-cast concrete products*, from points in Richland County, S. C., to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia, and (2) *Peat Humus*, from points in Colleton County, S. C., to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities in (1) and (2) above, on return.

HEARING: February 25, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner Michael B. Driscoll.

No. MC 25567 (Sub No. 39), filed December 31, 1956, HANCOCK-TRUCK-

ING, INCORPORATED, SHELDON A. KEY, TRUSTEE, 1917 West Maryland St., Evansville, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and the junction of Indiana Highway 48 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to the junction of Indiana Highway 48, thence over Indiana Highway 48 to the junction of U. S. Highway 41, and return over the same route, serving Fairbanks, Ind., and points within 8 miles thereof as intermediate or off-route points, including but not limited to such points as the plant site of the Indiana-Michigan Electric Company, located west of Fairbanks, and also the properties of Ayrshire Collieries Corporation located in Curry Township of Sullivan County, Ind., and all intermediate points located on Indiana Highways 63 and 48. Applicant is authorized to transport similar commodities in the States of Indiana, Illinois, Wisconsin, Ohio, Michigan, Kentucky, and Pennsylvania.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 29566 (Sub No. 45), filed December 13, 1956, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Ave., Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Texarkana, Tex., and points within 3 miles of the corporate limits of Texarkana, Tex., on the one hand, and, on the other, points on applicant's regular routes set forth in Section (A) of its Certificate No. MC 29566 dated July 29, 1948. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, and Indiana.

NOTE: Applicant presently serves Texarkana, Ark., a territorial authority, which does not include Texarkana, Tex. and states the above proposed description of authority is similarly described in its Certificate No. MC 29566 (Sub No. 25).

HEARING: February 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 29886 (Sub No. 90), filed September 10, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, moving and road building equipment, cranes, straddle trucks, fork lift trucks, tractors, tow-motors, trucks*, (with or without bodies or machinery attached thereto), *trailers*, (except those designed to be drawn by passenger automobiles) and *parts thereof*, when such

parts move with the unit being transported, and *such commodities in need of repair or rebuilding*, on return, from Portland, Ore., to points in the United States. Issues originally published in *FEDERAL REGISTER* of September 26, 1956, as above.

HEARING: March 7, 1957, at 538 Pittock Block, Portland, Ore., before Examiner Leo A. Riegel.

No. MC 29886 (Sub No. 92), filed October 8, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, mouldings, shingles, and plywood*, from points in Idaho, Washington, Oregon, California, Montana and New Mexico to points in Indiana and Michigan within 100 miles of South Bend, Ind.

HEARING: March 7, 1957, at 538 Pittock Block, Portland, Ore., before Examiner Leo A. Riegel.

No. MC 29886 (Sub No. 94), filed January 2, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road rollers, road scrapers and cement mixers, dump truck bodies and self-propelled building, moving, construction and materials handling machinery*, between Marion, Ohio, and all points in the United States, including the District of Columbia. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: February 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 30319 (Sub No. 77), filed November 9, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto St., P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *air freight* having a prior or subsequent movement by air, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Texas Highway 239 and 72 two (2) miles east of Kenedy, Tex., and junction Texas Highway 239 and U. S. Highway 59 two (2) miles west of Goliad, Tex., over Texas Highway 239, serving the intermediate and off-route points of Charco and Choate, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states it is not the desire to serve any new or additional points not now served by applicant and its affiliate, the Texas & New Orleans Railroad Company, except the off-rail points of Charco and Choate, Tex., located on the route, and that service is to be coordinated with existing service of applicant and its affiliate, the Texas & New Orleans Railroad Company; applicant is now serving Kenedy and Goliad, Tex., under authority heretofore granted by the Commission.

HEARING: March 11, 1957, at the Hilton Hotel, San Antonio, Tex., before Joint Board No. 77.

No. MC 33037 (Sub No. 3), filed December 26, 1956, FRANCIS STUDER and MERLIN STUDER, a partnership, doing business as **STUDER TRUCK LINE**, Beattie, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Processed mill feeds and dry commercial fertilizer*, in bulk and in containers, from points within 15 miles of Beattie, Kans., to points in Nebraska. Applicant is authorized to transport similar commodities in Kansas, Nebraska and Missouri.

HEARING: February 19, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 33761 (Sub No. 2), filed November 23, 1956, THE WESTERN STAR TRUCKING, INC., 102 N. 5th St., Salina, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Advertising, and promotional material*, used in the sale of flour and feed mill products, between Salina, Kans., Kansas City, Mo., Des Moines and Council Bluffs, Iowa, Omaha, Wymore, and Lincoln, Nebr., and Dalhart, Texas.

HEARING: February 20, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 39952 (Sub No. 4), filed January 2, 1957, JAKE STOKES AND J. McMURPHY, doing business as **SWANSON'S TRUCKING SERVICE**, P. O. Box 227, Turlock, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Paper articles*, such as boxes, (fiberglass or pulpboard), corrugated or other than corrugated, plain or waterproofed, printed or not printed, knocked down flat, or folded flat, in boxes, bundles or crates, (1) from Turlock, Calif., and points within 3 miles thereof to Long Beach, Calif., from Turlock over U. S. Highway 99 to Los Angeles, Calif., thence over U. S. Highway 6 to Long Beach, serving the intermediate points of Los Angeles, San Pedro and Wilmington; (2) from Turlock, Calif., and points within 3 miles thereof to Sacramento, Calif., from Turlock over U. S. Highway 99 to Sacramento, serving the intermediate point of Stockton; (3) from Turlock, Calif., and points within 3 miles thereof to San Francisco, Calif., from Turlock over U. S. Highway 99 to the junction of U. S. Highway 50, thence over U. S. Highway 50 to San Francisco, serving the intermediate points of Oakland and Alameda, Calif.

HEARING: February 19, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75.

No. MC 40215 (Sub No. 7), filed December 28, 1956, RAY RICHARDSON, doing business as **RICHARDSON TRANSFER & STORAGE CO.**, 246 North 5th St., Salina, Kans. Applicant's representative: Carl V. Kretsinger, Suite 1014-1018 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky and Tennessee, on the one hand, and, on the other, points in Kansas.

NOTE: Applicant states the purpose of this application is to enable applicant to eliminate Portage County, Ohio, as a gateway on movements between Kentucky and Tennessee, on the one hand, and, on the other, points in California. Applicant is authorized to transport the commodities specified in all states in the United States except Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, North Dakota, Oregon, Rhode Island, South Carolina, Vermont and Washington.

HEARING: February 28, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 43177 (Sub No. 24), filed January 2, 1957, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and junction of Indiana Highway 48 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to its junction with Indiana Highway 48, thence over Indiana Highway 48 to its junction with U. S. Highway 41, and return over the same route, serving all intermediate points, and serving Fairbanks and points within 8 miles thereof as intermediate or off-route points, including but not limited to such points as the plant site of the Indiana-Michigan Electric Company, and also the properties of Ayrshire Collieries Corporation located in Curry Township of Sullivan County, Ind. Applicant is authorized to transport similar commodities in Indiana, Illinois, and Kentucky.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 43654 (Sub No. 37), filed December 31, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain St., Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Euclid Division Plant of the General Motors Corporation, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Akron, Ohio, and Niagara Falls, N. Y., over Ohio Highways 18, 91 and 84, and U. S. Highways 20 and 62. Applicant is authorized to transport the commodities specified in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 46599 (Sub No. 27), filed October 29, 1956, HEALZER CARTAGE CO.,

a Corporation, 1428 West 9th St., Kansas City 1, Mo. Applicant's representative: Floyd F. Shields, 950 Dierks Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, and household goods as defined by the Commission, over alternate routes for operating convenience only, serving no intermediate points, (1) between Kansas City, Mo., and Wichita, Kans., from Kansas City to entrance of Kansas Turnpike, now located at 18th Street near Muncie Boulevard in Kansas City, Kans., known as Interchange No. 13; also, entrance at west end of the Intercity Viaduct at or near 4th Street and Minnesota Avenue in Kansas City, Kans. (presently under construction); thence over Kansas Turnpike to what is known as Interchange No. 4 near Wichita, Kans., thence over the approach to said Interchange to Wichita; and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Kinsley, Kans., (d) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (e) Kansas City, Mo., and Abilene, Kans., (f) McPherson, Kans., and Wichita, Kans., and (g) Kansas City, Mo., and Chicago, Ill.; (2) between Topeka, Kans., and Wichita, Kans., from Topeka to entrances of Kansas Turnpike at what are known as Interchanges No. 9 and No. 8 near Topeka, Kans., thence over Kansas Turnpike to Wichita over the above described route, and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (d) Kansas City, Mo., and Abilene, Kans., and (e) McPherson, Kans., and Wichita, Kans.; and (3) between Kansas City, Mo., and Topeka, Kans., and Interchange No. 6 on the Kansas Turnpike near Emporia, Kans., from Kansas City, Mo., and Topeka over the above described routes to what is known as Interchange No. 6 on the Kansas Turnpike near Emporia, and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Kinsley, Kans., (d) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (e) Kansas City, Mo., and Abilene, Kans., and (f) Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Missouri, and Wisconsin.

HEARING: February 26, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 52746 (Sub No. 49), filed December 26, 1956, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment, between St. Joseph, Mo., and junction U S. Highways 36 and 40, near Byers, Colo., over U. S. Highway 36, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, and Missouri.

HEARING: February 26, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 178.

No. MC 52858 (Sub No. 57), filed December 3, 1956, CONVOY COMPANY, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's representative: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wheel-mounted agricultural machinery and implements, and parts therefor*, when they accompany shipments thereof, between points in Multnomah County, Oreg., on the one hand, and on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, Arizona and New Mexico. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Montana, Nevada, Utah, Wyoming, and Colorado.

HEARING: March 8, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Leo A. Riegel.

No. MC 55776 (Sub No. 7), filed November 5, 1956, MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Bldg., 5844-5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described by the Commission, (1) between Fostoria, Sandusky, and Toledo, Ohio, on the one hand, and, on the other, New York, N. Y., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, within 150 miles of New York, N. Y., including Boston, Mass., Buffalo, Rochester, Syracuse, Utica, N. Y., and New Castle, Pa.; and (2) between Fostoria, Sandusky, and Toledo, Ohio, on the one hand, and, on the other, points in Delaware, the District of Columbia, Illinois, Indiana, Kentucky, and points in Maryland, Pennsylvania, and Virginia on and east of U. S. Highway 15. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: March 5, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 75185 (Sub No. 215), filed December 13, 1956, SERVICE TRUCKING CO., INC., Preston Rd., Federalburg, Md. Applicant's representative: Francis W. McInerney, Commonwealth Bldg., 1625 K St., N.W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products* (not canned or

frozen), from points in Florida to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, and Maryland.

HEARING: February 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

No. MC 83539 (Sub No. 19), filed March 14, 1955, (Amended) published in FEDERAL REGISTER, issue of April 13, 1955, REOPENED ON THE COMMISSION'S OWN MOTION FOR FURTHER HEARING, C & H TRANSPORTATION CO., INC., 2135 Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe*, except the stringing or picking up of pipe in connection with the stringing and dismantling of main or trunk pipeline, from points in Tennessee in the Memphis, Tenn., commercial zone, including President's Island, to West Memphis, Ark., using West Memphis, Ark., as a gateway only. **RESTRICTION:** No service shall be performed between the Memphis, Tenn., commercial zone, including President's Island, and West Memphis, Ark., except for joinder with applicant's present authority on shipments destined for or to points in Oklahoma and Kansas, with no interchange at points in Oklahoma and/or Kansas. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

FURTHER HEARING: March 1, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 87231 (Sub No. 4), filed November 23, 1956, BAY AND BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, in bulk, in tank or hopper type vehicles, from Duluth, Minneapolis and St. Paul, Minn., and points within fifteen (15) miles of each, to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

NOTE: Applicant states that authority is sought from Minnesota origins to points in Minnesota in interstate or foreign commerce because of traversal of Wisconsin Highways and because of moves in foreign commerce to the Minnesota-Canadian Boundary line.

HEARING: February 25, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 87231 (Sub No. 6), filed December 26, 1956, BAY AND BAY TRANSFER CO., INC., 315 9th Avenue North, Minneapolis, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement and lime*, in bulk, in tank or hopper vehicles, between points in Iowa, Minnesota, North

Dakota, South Dakota, Wisconsin and the Upper Peninsula of Michigan.

HEARING: February 20, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 92983 (Sub No. 184), filed November 28, 1956, ELDON MILLER, INC., 330 East Washington St., P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats and oils, including blends and products thereof*, (except those derived from petroleum), in bulk, in tank vehicles, between points in Alabama, on the one hand, and, on the other, points in Delaware, Illinois, Iowa, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Ohio, Kansas, Missouri, New York, Tennessee, Texas, North Dakota, South Dakota, Minnesota, Nebraska, Pennsylvania, and Arkansas.

HEARING: February 27, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 92983 (Sub No. 186), filed December 3, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, including blends thereof*, in bulk, in tank vehicles, between St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kentucky and Tennessee. Applicant is authorized to conduct operations in Missouri, Nebraska, South Dakota, Kansas, Minnesota, Illinois, Wisconsin, and Iowa.

HEARING: March 4, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 187), filed December 3, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, *fats, including blends thereof*, in bulk, in tank vehicles, between Kansas City, Kans., one the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Kentucky, Louisiana, Oklahoma, Texas, West Virginia, Ohio, Tennessee, Alabama, Arkansas, Georgia, Mississippi, and North Dakota.

HEARING: February 21, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 188), filed December 10, 1956, ELDON MILLER, INC., 330 East Washington Street, (P. O. Box 232) Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Florida, Georgia, Louisiana, Mississippi and Tennessee. Applicant is authorized to conduct operations in

Illinois, Missouri, North Dakota, Iowa, Pennsylvania, Wisconsin, Minnesota, Oklahoma, and Texas.

HEARING: February 28, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 92983 (Sub No. 192), filed December 31, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a common carrier, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas. Applicant is authorized to transport similar commodities in Iowa, New York, Tennessee, Texas, Kansas, North and South Dakota, Illinois, Missouri, Pennsylvania, Nebraska, Indiana, Wisconsin, and Minnesota.

HEARING: March 5, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Robert A. Joyner.

No. MC 94091 (Sub No. 4), filed December 31, 1956, QUEEN & McDONALD, INC., 231 Chestnut Street, P. O. Box 1177, Morgantown, W. Va. For authority to operate as a common carrier, over irregular routes, transporting: *Beer*, from Pittsburgh, Pa., to Fairmont, and Clarksburg, W. Va. *Empty containers* used in transporting the commodity specified, on return. Applicant is authorized to transport beer from Pittsburgh, Pa., to Morgantown and Terra Alta, W. Va., and Oakland, Md.

HEARING: February 25, 1957, at the Fulton Building, 101-115 6th Street, Pittsburgh, Pa., before Joint Board No. 206.

No. MC 95540 (Sub No. 281), filed November 27, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a common carrier, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, (1) from Des Moines, Postville and Spencer, Iowa, to points in Alabama, Florida, Georgia and South Carolina; (2) from Mason City, Iowa, to points in Florida. Applicant is authorized to conduct operations in Alabama, Florida, Tennessee, Illinois, Nebraska, Minnesota, Mississippi, South Carolina, Texas, North Carolina, Georgia, Wisconsin, Iowa, Indiana, Virginia, Pennsylvania, New York, New Jersey, Maryland, Ohio, Kansas, and the District of Columbia.

HEARING: February 25, 1957, at the Federal Office Bldg., 5th Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 98690 (Sub No. 3), filed November 16, 1956, CHARLES E. ESTES, doing business as VIRGINIA HOUSEHOLD GOODS TRANSPORT, Midlothian Pike, Richmond, Va. Applicant's representative: John C. Goddin, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a common carrier, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, house-

hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Victoria, Va., from Richmond over U. S. Highway 360 to junction Virginia Highway 153, thence over Virginia Highway 153 to junction U. S. Highway 460, thence over U. S. Highway 460 to junction Virginia Highway 40, thence over Virginia Highway 40 to Victoria, and return over the same route, serving no intermediate points.

HEARING: February 18, 1957, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 101075 (Sub No. 38), filed December 26, 1956, TRANSPORT, INC., 1215 Center St., Moorhead, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis, Minn. For authority to operate as a common carrier, over irregular routes, transporting: *Cement, lime, and salt*, in bulk, in tank or hopper vehicles, between points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: February 27, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 102616 (Sub No. 630), filed January 2, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: February 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 103370 (Sub No. 42), filed December 26, 1956, BEST MOTOR FREIGHT, INC., 2511 Swiss Avenue, Dallas, Tex. Applicant's representative: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new Euclid Division Plant of the General Motors Corporation located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron and Cleveland, Ohio. Applicant is authorized to transport the commodities specified in Illinois, Indiana, Missouri, Ohio, Oklahoma, and Texas.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 103378 (Sub No. 83), filed December 19, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlanta National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a common carrier, over irregular routes, transporting: *Tall oil rosin*, in bulk, in tank vehicles, from Panama City, Fla., to Mobile, Ala. Applicant is authorized to transport tall oil and tall oil rosin in Florida, Georgia, and South Carolina.

HEARING: February 28, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98.

No. MC 103654 (Sub No. 38), filed December 26, 1956, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Blvd., St. Paul, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis, Minn. For authority to operate as a common carrier, over irregular routes, transporting: *Liquid sulphate of alumina*, in bulk, in tank vehicles, from Cloquet, Minn., and points within five (5) miles thereof, to points in Wisconsin, points in the Upper Peninsula of Michigan, and all ports of entry in Minnesota on the United States-Canada International Boundary line.

HEARING: February 19, 1957, at the Federal Court Bldg., Marquette Ave. South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 103993 (Sub No. 79), filed November 23, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a common carrier, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Oregon, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 28, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 103993 (Sub No. 80), filed November 23, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a common carrier, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in South Dakota to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 1, 1957, at the U. S. Court Rooms, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 106009 (Sub No. 4), filed November 13, 1956, JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION CO., 21 Mildred Avenue, West Asheville, N. C. Applicant's representative: Robert R. Williams, Jr., (P. O. Box 7295), Jackson Building, Asheville, N. C. For authority to operate as a common carrier, over irregular routes, transporting: *Liquid*

sulphuric acid, in bulk, in tank vehicles, from Copperhill, Tenn., to points in that part of North Carolina and South Carolina on and west of U. S. Highway 21 from the North Carolina-Virginia State line to Columbia, S. C., and on and west of U. S. Highway 1, from Columbia, S. C. to the South Carolina-Georgia State line. Applicant is authorized to conduct operations in South Carolina, North Carolina and Tennessee.

HEARING: February 21, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner Michael B. Driscoll.

No. MC 106223 (Sub No. 39), filed November 26, 1956, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Avenue, Ashtabula, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Akron, Ohio, to points in New Hampshire. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Maine, Minnesota, Missouri, New Hampshire, Ohio, Vermont, West Virginia, and Wisconsin.

NOTE: Applicant states no duplication of authority is sought.

HEARING: February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 106398 (Sub No. 74), filed November 23, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, (P. O. Box 8096 Dawson Station), Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Oregon to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 28, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 106621 (Sub No. 18), filed December 26, 1956, MELTON TRANSPORT COMPANY, P. O. Box 1163, Cheyenne, Wyo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Gilsonite*, and *products and by-products thereof*, in tank vehicles, between points in Colorado, Utah, Idaho, Wyoming, Nebraska and South Dakota. Applicant is authorized to transport similar commodities in Idaho, Utah, South Dakota, Colorado, Wyoming, Nebraska, Kansas, Texas, New Mexico, and Oklahoma.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 106644 (Sub No. 33), filed December 6, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Building, Atlanta 8, Ga. For authority to operate as a *common*

carrier, over irregular routes, transporting: *Commodities*, the transportation of which because of size, weight or handling requires the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, between points in Wisconsin and Illinois, on the one hand, and, on the other, points in Georgia and North Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant holds contract carrier authority in Permit No. MC 104724; section 210, dual operations may be involved.

HEARING: March 7, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Alfred B. Hurley.

No. MC 106965 (Sub No. 97), filed December 31, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., N. E., Washington, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Franklin, Va., to points in New Jersey, New York, Delaware, Maryland, Pennsylvania and the District of Columbia.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107064 (Sub No. 14), filed October 29, 1956, FERGUSON-STEERE MOTOR COMPANY, 2808 Fairmount Ave., P. O. Box 2998, Dallas 21, Tex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, (except in liquefied petroleum gases), in bulk, in tank vehicles, (1) from Kansas City, Kans., to points in New Mexico south of U. S. Highway 66 and points in Texas south of U. S. Highway 66 and west of U. S. Highway 83; (2) from points in Texas south of U. S. Highway 66 and west of U. S. Highway 83 to points in Kansas. Applicant is authorized to conduct operations in Texas and New Mexico.

HEARING: February 25, 1957, at the Baker Hotel, Dallas, Tex., before Examiner David Waters.

No. MC 107188 (Sub No. 3), filed December 31, 1956, J. LAWRENCE HUGHES, doing business as MOORE'S TRAILER TRANSPORT, 4870 Monroe Street, Toledo, Ohio. Applicant's representative: James M. Burch, Jr., 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Fabricated buildings and partially fabricated buildings*, on carriages, in tow-away service, from Fostoria, Ohio, to points in Indiana, Michigan, Pennsylvania, Kentucky, West Virginia, Tennessee, Illinois, Missouri, New York, Georgia and Florida; and (b) *empty carriages*

and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, and *rejected or damaged shipments* of the commodities specified from the above specified destination points to Fostoria, Ohio.

HEARING: March 4, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107227 (Sub No. 42), filed November 5, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fork lift trucks* and *straddle trucks*, in initial movements, in truckaway service, from Dallas, Ore. to points in the United States; *shipments of the above-indicated units en route to the factory for repair on return*. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 11, 1957, at 538 Pittock Block, Portland, Ore., before Examiner Leo A. Riegel.

No. MC 107227 (Sub No. 43), filed December 26, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New Automobiles*, in initial movements, in truckaway service, from Oakland, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *damaged shipments of new automobiles* on return, and (2) *New station wagons*, in initial movements, in truckaway service, from Oakland, Calif., to points in Arizona, California, Oregon, Utah and Washington and Reno, Nev.; *damaged shipments of new station wagons* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 5, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107403 (Sub No. 226), filed December 26, 1956, E. BROOKE MATLACK, INC., 33rd & Arch St., Philadelphia, Pa. Applicant's representative: Paul F. Barnes, 811-819 Lewis Tower Bldg., 225 South 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in Armstrong, Cambria, Clearfield, Fayette, Greene, Indiana, Jefferson, Somerset, Washington, and Westmoreland Counties, Pa., except liquefied petroleum gas to points in Fayette, Greene, Washington and Westmoreland Counties, Pa. Applicant is authorized to conduct similar operations in Delaware, New Jersey, New York, Pennsylvania, Maryland, Virginia, Ohio, West Virginia, Georgia, North Carolina, South Carolina, Indiana, Kansas, Kentucky, Missouri, Illinois, Wisconsin, Michigan, and the District of Columbia.

HEARING: February 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 107515 (Sub No. 240), filed October 25, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a common carrier, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, from points in Colorado to points in Louisiana, Georgia, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Alabama. Applicant is authorized to conduct operations in Arkansas, Alabama, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: March 6, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 44), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lodge Grass, Mont., and points within 5 miles of Lodge Grass, to points in North Dakota, South Dakota, Nebraska and Wyoming. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 45), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, except jet fuel, in bulk, in tank vehicles, from Glendive and Miles City, Mont., and points within five miles of each, to points in Wyoming, South Dakota and Nebraska. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 46), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Wibaux County, Mont., to points in North Dakota, South Dakota and Wyom-

ing. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108461 (Sub No. 50), filed December 19, 1956, WHITFIELD TRANSPORTATION, INC., 204 West Amador, Las Cruces, N. Mex. Applicant's representatives: L. G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr.; Frank Owen, III, 1304 Bassett Tower, El Paso, Tex.; and A. D. Hull, 323 Canal St., El Paso, Tex. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A, B and C explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (but not excluding those requiring refrigeration), (1) between El Paso, Texas, and Alpine, Texas, from El Paso over U. S. Highway 80 to junction U. S. Highway 90 at Van Horn, Texas, thence over U. S. Highway 90 to Alpine, and return over the same route, serving the intermediate points of Marfa and Van Horn, Texas, and (2) between Marfa, Texas, and Presidio, Texas, from Marfa over U. S. Highway 67 to Presidio, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, New Mexico, Texas, and Utah.

HEARING: March 4, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77.

No. MC 108461 (Sub No. 52), filed December 26, 1956, WHITFIELD TRANSPORTATION, INC., 240 W. Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representative: L. G. Kaplan, Suite 924, City National Bank Building, Omaha 2, Nebr. For authority to operate as a common carrier, over a regular route, transporting: *General commodities, including Class A, B, and C explosives and those classified as dangerous articles*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (but not excluding those requiring refrigeration), between Albuquerque, N. Mex., and Shiprock, N. Mex., as follows: From Albuquerque over U. S. Highway 85 to junction New Mexico Highway 44 near Bernalillo, N. Mex., thence over New Mexico Highway 44 to junction N. Mexico Highway 17, thence over New Mexico Highway 17 to junction U. S. Highway 550 at Farmington, N. Mex., thence over U. S. Highway 550 to Shiprock, and return over the same route, serving all intermediate points between Bloomfield, N. Mex., and Shiprock, N. Mex., including Farmington, N. Mex. Applicant is authorized to conduct operations in New Mexico, Texas, and Utah.

HEARING: February 27, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 110012 (Sub No. 6), filed December 13, 1956, G. B. C. INCORPORATED, P. O. Box 253, Morristown,

Tenn. Applicant's representative: W. J. Barron, 21-22 Hamilton National Bank Bldg., Morristown, Tenn. For authority to operate as a common carrier, over irregular routes, transporting: *New furniture, crated, uncrated and wrapped, cotton, paper boxes and fiber board boxes*, from points in Carter, Greene, Hamblen and Knox Counties, Tenn., to points in Arkansas, Arizona, California, Iowa, Kansas, Louisiana, Oklahoma, New Mexico and Texas, and *cotton, lumber and unassembled furniture parts* on return. Applicant is authorized to conduct operations in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Illinois, Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Michigan, Wisconsin, Minnesota, Missouri, and the District of Columbia.

HEARING: March 12, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Robert A. Joyner.

No. MC 110675 (Sub No. 3), filed October 3, 1956, ART TUCKER, doing business as ART TUCKER TRANSPORT CO., 1610 East 3rd Street, Big Spring, Tex. For authority to operate as a contract carrier, over irregular routes, transporting: *Asphalt and road oil*, in bulk, in tank vehicles, between Big Springs, Tex., and points in Colorado and Oklahoma. Applicant is authorized to conduct operations in Texas and New Mexico.

HEARING: February 27, 1957, at the U. S. Court Rooms, Abilene, Tex., before Joint Board No. 214.

No. MC 111159 (Sub No. 33), filed October 19, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a common carrier, over irregular routes, transporting: *Anhydrous ammonia, nitric acid, fertilizer, fertilizer ingredients, and fertilizer solutions*, in bulk, from Yazoo and Jackson Counties, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Tennessee and Mississippi.

HEARING: February 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 111159 (Sub No. 34), filed November 23, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a common carrier, over irregular routes, transporting: *Urea solution*, in bulk, in insulated vehicles, from Pryor, Okla., and points within five miles thereof, to Sterling, La., and Vicksburg, Miss., and points within five miles of Sterlington and Vicksburg. Applicant is authorized to conduct operations in Mississippi and Tennessee.

HEARING: February 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 111170 (Sub No. 29), filed December 31, 1956, WHEELING PIPE LINE, INC., P. O. Box 270, El Dorado, Ark. Applicant's representative: John Paul

Jones, 1012 Edway Building, Memphis 3, Tennessee. For authority to operate as a common carrier, over irregular routes, transporting: *Asphalt and Coal Tar Products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas. Applicant is authorized to transport similar products in Arkansas, Mississippi, and Tennessee.

HEARING: February 28, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 111281 (Sub No. 9), filed December 10, 1956, ECK MILLER TRANSPORT, CO., a corporation, 421 E. Second St., Owensboro, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., Frankfort, Ky. For authority to operate as a common carrier, over a regular route, transporting: *Tile and clay products, and materials used or useful in the manufacture and packaging of tile and clay products*, between Louisville, Ky., and Owensboro, Ky., over U. S. Highway 60, serving the intermediate points of Cloverport and Lewisport, Ky.

NOTE: Applicant is authorized to operate between Louisville, Ky., and Owensboro, Ky., over U. S. Highway 60, as an alternate route for operating convenience only in the transportation of *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.

HEARING: February 19, 1957, at the Federal Bldg., Lexington, Ky., before Joint Board No. 105.

No. MC 111812 (Sub No. 29), filed August 27, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a common carrier, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in California, Oregon, and Washington, and to Denver, Colo., and Salt Lake City, Utah. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, Oregon, South Dakota, Utah and Washington. Issues originally published in *FEDERAL REGISTER* of September 26, 1956, as above.

HEARING: March 6, 1957, in Suite 3132, Arcade Bldg., 1319 Second Avenue, Seattle, Wash., before Examiner Leo A. Riegel.

No. MC 111812 (Sub No. 33), filed January 7, 1957, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a common carrier, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in Idaho. Applicant is authorized to transport similar commodities in Washington, Oregon, California, Iowa, Minnesota, and South Dakota.

HEARING: March 6, 1957, in Suite 3132, Arcade Bldg., 1319 Second Avenue, Seattle, Wash., before Examiner Leo A. Riegel.

No. MC 111950 (Sub No. 2), filed December 21, 1956, BALLARD STORAGE & TRANSFER CO., a corporation, 16 East 4th Street, St. Paul, Minn. Applicant's representative: Paul F. Sullivan, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Household goods*, as defined by the

Commission, between points in Massachusetts, Oklahoma, Kansas, Delaware, Rhode Island, North Carolina, Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it presently holds non-radial authority to serve all of the above-named states except the first six; that by a concurrent application No. MC-F 6479, filed January 9, 1957, applicant is seeking authority to acquire the aforesaid six states from Skellett Van and Storage Co.; that in order that the six states proposed to be acquired may be served non-radially with applicant's presently authorized states, the subject application is being filed; and that if the application to purchase the six states referred to is denied, this application should be dismissed. Duplication should be eliminated.

HEARING: February 26, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 112497 (Sub No. 82), filed December 26, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a common carrier, over irregular routes, transporting: *Tall oil and tall oil derivatives and products, including tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla. to points in Georgia. Applicant is authorized to conduct operations in Louisiana, Mississippi, Alabama, Tennessee, Georgia, and Florida.

HEARING: March 25, 1957, at Peachtree-Seventh Building, 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 64.

No. MC 112617 (Sub No. 26), filed December 13, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35 Cherokee Station, Louisville 5, Ky. Applicant's representative: John R. Sims, Jr. and Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio to points in Kentucky. Applicant is authorized to conduct operations in Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Indiana, Ohio, West Virginia, Pennsylvania, Michigan, Illinois, and Tennessee.

HEARING: February 21, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 112713 (Sub No. 65), filed November 13, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a common carrier, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and the Kansas-Oklahoma State line near Hunnewell, Kans., over the Kansas

Turnpike Highway from its entrance at Kansas Highway K-32, Mattoon Road near the Kansas City, Kans., Terminal at 18th Street at Muncie to its terminus at the Kansas-Oklahoma State line, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and for the purpose of joinder with applicant's otherwise certificated routes at the following interchanges: (1) East Topeka, (2) Emporia, (3) Eldorado, (4) East Wichita, (5) K-15 Wichita, (6) South Wichita, (7) Wellington, and (8) South Haven, in connection with applicant's regular route operations between (1) Wichita, Kans., and Oklahoma City, Okla., (2) Ft. Scott, Kans., and Wichita, Kans., and (3) Kansas City, Mo., and Winfield, Kans. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, and Michigan.

HEARING: February 19, 1957, at the Hotel Kansas, Topeka, Kans., before Joint Board No. 36.

No. MC 113082 (Sub No. 3), filed December 10, 1956, CLARK STOKES-BERRY, Milton, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a contract carrier, over irregular routes, transporting: *Wire bottle-carrying crates and wire baskets*, from Keosauqua, Iowa, to points in Oklahoma; and *empty containers and crates* from points in Oklahoma to Keosauqua, Iowa. Applicant is authorized to transport the commodities specified in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, West Virginia, and Wisconsin.

HEARING: February 27, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 113336 (Sub No. 11), filed November 14, 1956, PETROLEUM TRANSIT COMPANY, INC., East 2nd Street, P. O. Box 921, Lumberton, N. C. Applicant's representative: James E. Wilson, Continental Bldg., 14th and K Streets, N. W., Washington 5, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points within 10 miles of Chattanooga, to points in North Carolina, South Carolina, Georgia and Alabama. Applicant is authorized to conduct operations in Georgia, North Carolina, and South Carolina.

HEARING: March 11, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Robert A. Joyner.

No. MC 113459 (Sub No. 9) filed April 1, 1955, published in the *FEDERAL REGISTER* of April 20, 1956 (AMENDED) (REOPENED, ON THE COMMISSION'S OWN MOTION, FOR FURTHER HEARING), H. J. JEFFERIES TRUCK LINE, INC., 4740 S. Shields Blvd., Oklahoma City, Okla. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a common carrier, over ir-

regular routes, transporting: *Pipe*, except the stringing or picking up of pipe in connection with the stringing and dismantling of main or trunk pipelines, from points in Tennessee in the Memphis, Tenn., commercial zone, including President's Island, to West Memphis, Ark., using West Memphis, Ark., as a gateway only. **RESTRICTION:** No service shall be performed between the Memphis, Tenn., commercial zone, including President's Island, and West Memphis, Ark., except for joinder with applicant's present authority on shipments destined for or to points in Oklahoma and Kansas, with no interchange at points in Oklahoma and/or Kansas. Applicant is authorized to conduct similar operations in Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

FURTHER HEARING: March 1, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 113617 (Sub No. 7), filed November 16, 1956, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER, AND M. M. MORSE, doing business as **HIGHWAY TRANSPORT COMPANY**, 4143 E. 43d St., Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Arizona and New Mexico. Applicant is authorized to conduct operations in Wisconsin, Iowa, Nebraska, Kansas, and Colorado.

HEARING: February 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 113624 (Sub No. 9), filed December 26, 1956, **WARD TRANSPORT, INC.**, P. O. Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid gilsonite*, and *products and by-products of liquid gilsonite*, in bulk, in tank vehicles, between points in Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 113945 (Sub No. 5), filed July 23, 1956, (Amended) G. S. ADKINS, 822 Durham Street, (P. O. Box 1295) Burlington, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plywood* and/or *wood doors*, in vans equipped with special protective devices, from the sites of the Mengel Company plants in Elizabeth City, N. C., to points within an area bounded by a line beginning at Savannah, Ga., and extending along U. S. Highway 80 to Macon, Ga., thence along U. S. Highway 41 via Atlanta, Ga., and Nashville, Tenn., to Hopkinsville, Ky., thence along U. S. Highway 68 to Paducah, Ky., thence along U. S. High-

way 60 to Sikeston, Mo., thence along U. S. Highway 61 to St. Louis, Mo., thence along U. S. Highway 66 to Chicago, Ill., thence along U. S. Highway 12 to Detroit, Mich., thence along the United States shores of Lake Erie to Buffalo, N. Y., thence along New York Highway 5 to junction New York Highway 33, thence along New York Highway 33 to Rochester, N. Y., thence along U. S. Highway 15 to junction New York Highway 5, thence continue along New York Highway 5 to Albany, N. Y., thence along U. S. Highway 4 to Concord, N. H., thence along U. S. Highway 202 to Gorham, Maine, thence along Main Highway 25 to Portland, Maine, including points on the highways specified.

NOTE: Applicant states that the entire Commercial Zone of any city touching the above area is included in the requested authority. Issues originally published in **FEDERAL REGISTER** of September 19, 1956, as above.

HEARING: February 19, 1957, at the North Carolina Utilities Commission, State Library Bldg., Morgan St., Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 114091 (Sub No. 17), filed December 10, 1956, **DIRECT TRANSPORT COMPANY OF KENTUCKY, INC.**, 3601 South 7th Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paints and paint materials*, *lacquers*, *varnishes*, *alkyd and vinyl resin solutions*, and *solvents*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia, Louisiana and Texas. Applicant is authorized to conduct operations in Arkansas, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: February 20, 1957, at 11:00 a. m., at the Kentucky Hotel, Louisville, Ky., before Examiner Robert A. Joyner.

No. MC 114211 (Sub No. 2), filed November 23, 1956, **DONALDSON TRANSFER COMPANY**, a corporation, 213 Witry St., Waterloo, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete pipe-making machinery*, and *equipment and parts thereof* when their transportation is incidental to transportation of concrete pipe-making machinery, equipment and parts, from Waterloo, Iowa, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Upper Peninsula of Michigan only, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

HEARING: February 20, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 114211 (Sub No. 3), filed December 6, 1956, **DONALDSON TRANSFER COMPANY**, a corporation, 213 Witry Street, Waterloo, Iowa. For au-

thority to operate as a *common carrier*, over irregular routes, transporting: (a) *Buildings*, *storage bins*, and *corn cribs*, knocked down or in sections, including *all component parts*, *material*, *supplies*, and *fixtures*, and when shipped with such buildings, *accessories* used in these erections, constructions and completion thereof, from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, and Missouri; and (b) *Grain driers*, *ventilators*, and *irrigation well casing*, from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, and Missouri.

HEARING: March 1, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Alfred B. Hurley.

No. MC 114334 (Sub No. 3), filed November 1, 1956, **BUILDERS TRANSPORTATION COMPANY**, a corporation, 523 East Brooks Road, Memphis, Tenn. Applicant's representative: Albert C. Rickey, 620 Falls Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies*, when their transportation is incidental to the transportation by applicant of commodities, which by reason of size or weight require special equipment, from Memphis, Tenn., to points in Arkansas, Mississippi, Missouri, Oklahoma, Texas, Kentucky, Kansas, Indiana, Alabama, and Louisiana.

NOTE: Applicant is authorized to transport Metal tanks, metal and concrete culverts, from Memphis, Tenn., to points in Kentucky, Missouri, Oklahoma, and Texas.

HEARING: February 27, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Robert A. Joyner.

No. MC 114364 (Sub No. 20), filed September 10, 1956, **WRIGHT MOTOR LINES, INC.**, 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas, those in Missouri on and south of U. S. Highway 66 (except St. Louis, Mo.), Memphis, Tenn., and Texarkana, Tex., to points in Colorado, Wyoming, those in Kansas and Nebraska on and west of U. S. Highway 183, those in New Mexico on and north of U. S. Highway 66, and those in San Juan County, Utah, excluding duplications. Applicant is authorized to conduct operations in Arkansas, Colorado and Texas. Issues originally published in **FEDERAL REGISTER** of September 26, 1956, as above.

HEARING: March 7, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 114364 (Sub No. 21), filed September 10, 1956, **WRIGHT MOTOR LINES, INC.**, 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over

irregular routes, transporting: *Returned and used empty containers for petroleum products*, (1) from points in Wyoming, and those in Nebraska on and west of U. S. Highway 281, to Ponca City, Okla.; (2) from points in Texas east of U. S. Highway 281 to Kansas City and Eldorado, Kans.; (3) from points in New Mexico on and north of U. S. Highway 66, to Kansas City, Kans.; and (4) from points in Idaho and Utah, and those in Nebraska on and west of U. S. Highway 281, to Houston, Tex. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming. Issues originally published in *FEDERAL REGISTER* of September 26, 1956, as above.

HEARING: March 7, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 114364 (Sub No. 22), filed October 22, 1956, **WRIGHT MOTOR LINES, INC.**, 16th and Elm, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in packages, in truckloads, (1) from Ponca City, Okla., to points in Idaho and Utah; and (2) from Enid, Okla., and Wichita, Kans., to points in Idaho, Utah, Wyoming and that part of Nebraska on and west of U. S. Highway 281, and *Empty Containers* from the above destinations to the above origin points. Applicant is authorized to conduct operations in Kansas, Colorado, Oklahoma, South Dakota, Wyoming, Utah, Idaho, Texas, New Mexico, and Nebraska.

HEARING: February 21, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 114718 (Sub No. 5), filed November 6, 1956, **WILLIAM H. ELLIOTT**, doing business as **OHIO VALLEY MOTOR FREIGHT**, Moore's Junction, Marietta, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Ferro alloys*, in bulk, in other than dump trucks, from Riverview, Ohio to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania and West Virginia; (2) *Ferro alloys and silicon metals*, in bulk, in other than dump trucks, from Graham (Mason County) W. Va., to Bedford, Canton, Cincinnati, Cleveland, Columbus, Lorain and Portsmouth, Ohio; Aliquippa, Berwick, Brackenridge, Bridgeville, Butler, Coatesville, Economy, Glassport, Latrobe, Lebanon, McKeesport, Midland, Monesson, New Kensington, Philadelphia, Pittsburgh, Steelton, Temple and Washington, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NOTE: Applicant is presently authorized in MC 114718 and MC 114718 Sub 2 to conduct the above described operations in bulk, in dump trucks. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia.

HEARING: March 4, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 115309 (Sub No. 2), filed December 26, 1956, **TRANSPORT SERVICE**, a Corporation, 6395 S. E. Alberta St., Portland, Oreg. Applicant's representative: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, from Martinez, Calif., and points within 8 miles of Martinez, to points in Curry, Coos, Jackson, Josephine, Klamath and Lake Counties, Oregon. Applicant's only authority (MC 115309), to transport volcanic ash, ore and rock from points in Deschutes County, Oreg., to points in Washington.

HEARING: March 11, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 115437 (Sub No. 1), filed August 27, 1956, and amended September 10, 1956, **MONTERREY FREIGHT FORWARDING CORPORATION**, P. O. Box 1170, Brownsville, Tex. Applicant's representative: Maynard F. Robinson, First National Bank Bldg., San Antonio, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass*, and *glassware* as defined by the Commission, for the Mex-Cal Glass Corporation, from points in Cameron and Hidalgo Counties, Tex., to points in Michigan, Illinois, Indiana, Missouri, Arkansas, California, Wisconsin, Georgia, Alabama, Mississippi, Louisiana, Arizona, New Mexico, Colorado, Tennessee, and Ohio; (2) *Mirror chemical solutions* (silver solution and copper sulphate) for the Monterrey Sales Corporation, from points in California to points in Cameron and Hidalgo Counties, Tex.; (3) *Cotton gin machinery*, new and used; *waste paper* and *waste burlap* for export only, for the Monterrey Sales Corporation, from points in Georgia, Alabama, Mississippi, and Louisiana, to points in Cameron and Hidalgo Counties, Tex.; (4) *Waste paper; waste burlap; citrus pulp; citrus concentrates*, frozen and canned; *citrus juices*, frozen and canned; *machinery and motors*, new and used; when moving other than oil field equipment, for export only, for the Monterrey Sales Corporation, from points in Florida to points in Cameron and Hidalgo Counties, Tex.; and (5) *Aluminum and steel windows and door frames, aluminum building surfaces (shins), aluminum furniture and aluminum bathroom fixtures*, new, for the Monterrey Sales Corporation, from points in Florida, to points in Cameron and Hidalgo Counties, Tex.

NOTE: Dual operations may be involved as applicant has a pending application for *common carrier* authority in MC 115436. Issues originally published in *FEDERAL REGISTER* of September 26, 1956, as above.

HEARING: March 7, 1957, at the Hilton Hotel, San Antonio, Tex., before Examiner David Waters.

No. MC 115458 (Sub No. 4), filed December 19, 1956, **ROBERT G. VESPER AND OTIS A. VESPER**, doing business as **VESPER COMPANY**, 6133 Cherry

Avenue, Long Beach 5, Calif. Applicant's representative: George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truck-away service, from all points of manufacture in Michigan to points in the United States.

HEARING: February 27, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 115691 (Sub No. 1), filed December 7, 1956, **R. J. COKER**, doing business as **COKER TRUCKING COMPANY**, Box 398, Demopolis, Ala. Applicant's representative: H. A. Lloyd, Demopolis, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, in truckload lots, from points in Sumter, Greene, and Marengo Counties, Ala., to points in Louisiana, Kentucky, Illinois, Indiana and Ohio. Applicant is authorized to transport similar operations in Alabama, Florida, Georgia, Mississippi, and Tennessee.

HEARING: March 1, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 115848 (Sub No. 1), filed January 2, 1957, **B W C TRUCKING CO.**, a corporation, Denton, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ground limestone and fertilizer materials*, in bulk, in dump vehicles (a) from Billmyer, Thomasville and York, Pa., to Denton, Md. and Lewes and Seaford, Del. and (b) from Morrisville, Pa., to Denton, Md. and Seaford, Delaware.

HEARING: February 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 116184 (Sub No. 2), filed December 14, 1956, **R. L. HEFNER, J. W. HEFNER, N. T. HEFNER and D. M. HEFNER**, doing business as **HEFNER BROTHERS**, 1002 Santa Anita Drive, Belen, N. Mex. Applicant's representative: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ores*, in bulk, and in packages, from points in Socorro County, N. Mex., to El Paso, Tex., and to points that are railroads in Socorro and Lincoln Counties, N. Mex.

HEARING: February 20, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

No. MC 116202, filed September 13, 1956, **HENRY GAUB**, Fallon, Mont. Applicant's representative: Cecil N. Brown, Terry, Mont. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm machinery* from Minneapolis and St. Paul, Minn. and Des Moines, Iowa to Terry, Fallon, Glendive and Miles City, Mont.; *oil well casting and drill pipe* from Minneapolis and St. Paul, Minn. to Glendive, Wibaux, Circle, and Baker, Mont. and Casper, Cody, and Powell, Wyo.; *livestock feeds* from Sioux City and Des Moines, Iowa, and Omaha and Lincoln, Nebr. to Terry, Miles City, and Glendive, Mont.

HEARING: March 4, 1957, at the Council Chambers City Hall, Billings,

Mont., before Examiner Leo A. Riegel.

No. MC 116266, filed October 23, 1956, MILFORD E. EDSALL, doing business as EDSALL AUTO SERVICE, 509 Harrison, Topeka, Kans. Applicant's representative: William W. Dimmitt, Jr., Suite 608-618 New England Bldg., Topeka, Kans. For authority to operate as a common carrier, over irregular routes, transporting: *Wrecked, damaged or disabled motor vehicles, and wrecked, damaged or disabled trailers other than those designed to be drawn by passenger vehicles*, in truckaway service, between Topeka, Kans., and points in Missouri, Oklahoma, and Nebraska.

HEARING: February 20, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 116284, filed November 1, 1956, PAUL L. SEABOLD, doing business as SEABOLD CONTRACT CARRIER, Route 1, Keokuk, Iowa. Applicant's representative: Robert H. Walker, 609 Blondeau St., Keokuk, Iowa. For authority to operate as a contract carrier, over irregular routes, transporting: *Steel castings, from Keokuk, Iowa, to points in Iowa, Illinois, Missouri, Wisconsin, Indiana, Arkansas and Louisiana. Empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, on return.*

HEARING: February 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116300 (Sub No. 1), filed November 21, 1956, JOHN L. NANCE AND KENNETH COLLUMS, partnership, doing business as NANCE AND COLLUMS, East Monticello St., Brookhaven, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a common carrier, over irregular routes, transporting: *Forest products, including creosote poles and piling, from Fernwood, Brookhaven and Crosby, Miss., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, and Tennessee.*

HEARING: February 26, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 116302, filed November 13, 1956, FILM & NEWS EXPRESS, INC., 60 South Holly Street, Denver 22, Colo. Applicant's representatives: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a contract carrier, over regular routes, transporting: *Newspapers, films, and theater materials, equipment, and supplies, including advertising matter, (1) between Denver, Colo., and Laramie, Wyo., over U. S. Highway 287, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 287 as off-route points; and (2) between Denver, Colo., and Cheyenne, Wyo., (a) over U. S. Highway 85 and (b) over U. S. Highway 87, and return over the same routes, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways*

indicated as off-route points; (3) between Laramie, Wyo., and Cheyenne, Wyo., over U. S. Highway 30, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 30 as off-route points; (4) between Denver, Colo., and Scottsbluff, Nebr., from Denver over U. S. Highway 6 to Sterling, Colo., thence over Colorado Highway 113 to the Colorado-Nebraska State line, thence over Nebraska Highway 19 to Sidney, Nebr., thence over U. S. Highway 30 to Kimball, Nebr., thence over Nebraska Highway 29 to Scottsbluff, Nebr. (also from Sidney over Nebraska Highway 19 to junction U. S. Highway 26, thence over U. S. Highway 26 to Scottsbluff), and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (5) between Scottsbluff, Nebr., and Casper, Wyo., from Scottsbluff over U. S. Highway 26 to junction U. S. Highway 87, thence over U. S. Highway 87 to Casper (also from Scottsbluff over U. S. Highway 26 to junction U. S. Highway 85, thence over U. S. Highway 85 to Lusk, Wyo., thence over U. S. Highway 20 to Casper), and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (6) between Scottsbluff, Nebr., and Belle Fourche, S. Dak., from Scottsbluff over U. S. Highway 26N to junction Nebraska Highway 19, thence over Nebraska Highway 19 to the Nebraska-South Dakota State line, thence over South Dakota Highway 79 to Hot Springs, S. Dak., thence over Alternate U. S. Highway 85 to Custer, S. Dak., thence over Alternate U. S. Highway 16 to Rapid City, S. Dak. (also from Custer over U. S. Highway 16 to Rapid City), thence over U. S. Highway 14 to Sturgis, S. Dak., thence over South Dakota Highway 24 to junction U. S. Highway 85, thence over U. S. Highway 85 to Belle Fourche, and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (7) between Chadron, Nebr., and Gordon, Nebr., over U. S. Highway 20, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 20 as off-route points; and (8) between Sturgis, S. Dak., and Hot Springs, S. Dak., from Sturgis over U. S. Highway 85 via Newcastle, Wyo., to junction Alternate U. S. Highway 85, thence over Alternate U. S. Highway 85 to Edgemont, S. Dak., thence over U. S. Highway 18 to Hot Springs, and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points.

HEARING: March 11, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 116317, filed November 23, 1956, L. T. SHAFFER, 2525 Quivira Drive, Box 67, Great Bend, Kans. For authority to operate as a contract carrier, over irregular routes, transporting: *Brick, tile and other ceramic and masonry products, from the plant sites of the Great Bend Brick and Tile Co., Inc. at Great Bend and Kanopolis, Kans., to points in the following described territory: points in Cimarron, Texas, and Beaver Counties, Okla., and that portion of Oklahoma on and north of U. S. Highway 66 from the western boundary of Oklahoma to Tulsa, and on the north of Oklahoma Highway 33 to the eastern boundary of Oklahoma; points in Nebraska on and south of U. S. Highway 34 from the eastern boundary of Nebraska at Union, thence west on U. S. Highway 34 to the junction of U. S. Highway 281 3 miles south of Grand Island, on and west of U. S. Highway 281 north to Grand Island, thence on and south of U. S. Highway 30 to the western boundary of Nebraska at Smeed; points in Missouri on and west of Missouri Highway 37 at the southern boundary of Missouri at Seligman, thence north on Missouri Highway 37 to Monett, thence on and west of U. S. Highway 60 to Springfield, thence on and west of Missouri Highway 13 to Bethany, thence on and west of U. S. Highway 69 to the Missouri-Iowa boundary line; points in Colorado on and east of U. S. Highway 85 from the northern boundary of Colorado to the southern boundary of Colorado; and points in Texas on and north of U. S. Highway 66 from the western boundary of Texas at Glenno to the eastern boundary of Texas at Benonine, and damaged shipments of the above named commodities on return.*

HEARING: February 18, 1957, at the Hotel Lassen, Wichita, Kans., before Examiner Allan F. Borroughs.

No. MC 116322, filed November 26, 1956, THE C. D. SMITH CO., P. O. Box 839, Grand Junction, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a common carrier, over irregular routes, transporting: *Uranium Oxide, U-308, from points in that part of New Mexico on and north of U. S. Highway 60 and on and west of U. S. Highway 85; that part of Utah on and east of U. S. Highway 91 including points west thereof within 5 miles, and on and south of U. S. Highway 308; that part of Arizona on and east of U. S. Highway 89 and on and north of U. S. Highway 66, and that part of Wyoming on and west of U. S. Highway 87, to Grand Junction, Colorado.*

HEARING: March 8, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 116323, filed November 26, 1956, TOM E. STEGALL, G. BRUCE STEGALL AND MRS. WINNIE E. STEGALL, partnership, doing business as STEGALL MILLING CO., Marshville, N. C. Applicant's representatives: Shearon Harris, Albemarle, N. C., and Thomas & Griffin, Marshville, N. C. For authority to operate as a common carrier, over irregular routes, transporting: *Precast, reinforced concrete floor and roof deck material,*

("Flexicore"), from Anson County, N. C., to points in Virginia, Tennessee, South Carolina, Georgia and Florida; *lumber*, rough or dressed (excluding products made or fabricated from lumber in any manufactured form, and veneer and veneer products), from (1) points in North Carolina on and west of U. S. Highway 301 to points in Georgia, Florida, Alabama, and South Carolina, and (2) from points in South Carolina to points in Georgia, Florida, Alabama and those in North Carolina on and west of U. S. Highway 301.

HEARING: February 20, 1957, at the U. S. Court Rooms Charlotte, N. C., before Examiner Michael B. Driscoll.

No. MC 116328, filed November 30, 1956, EDWARD S. MURRAY AND RICHARD E. MURRAY, doing business as CROSS & MURRAY, 710-3rd Avenue North, Minneapolis, Minn. Applicant's representative A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup, liquid sugar and blends thereof*, in bulk, in tank vehicles, (1) from Minneapolis, St. Paul, Hopkins, and Chaska, Minn., to points in Minnesota, North Dakota and Wisconsin; and (2) between Minneapolis, St. Paul, and Hopkins, Minn., on the one hand, and, on the other, Mason City, Iowa.

HEARING: February 25, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 116334, filed December 5, 1956, ARCHER SERVICE COMPANY, Oil City, Pa. Applicant's representative: Charles F. Riddle, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass and plastic bottles*, from Oil City, Pa., to (a) points in New York on and west of New York Highway 57 from Lake Ontario to Syracuse, and on and west of U. S. Highway 11 from Syracuse to the New York-Pennsylvania state line, including Syracuse; and (b) points in Ohio on and east of U. S. Highway 23; (2) *Baby feeding equipment, including glass and plastic bottles, rubber and rubber products, caps, discs, cleaning compounds, sterilizers and electrical appliances and parts thereof*, between Ravenna, Ohio and Oil City, Pa.; (3) *Moulding compounds and plastic compounds*, from North Tonawanda, N. Y., and Marietta, Ohio to Ravenna, Ohio and Oil City, Pa.; (4) *glass bottles*, from Corning and Horseheads, N. Y., to Ravenna, Ohio and Oil City, Pa.; (5) *Cartons and cullett glass*, (a) from destination areas in New York and Ohio specified in (1) above, to Oil City, Pa.; (b) from points in Pennsylvania on and west of U. S. Highway 11 to Ravenna, Ohio; (6) *Soda Ash*, in bulk, in dump trucks, from Syracuse, N. Y., Barberton and Painesville, Ohio to Oil City, Pa.; (7) *Moulding compounds and plastic compounds*, between Oil City, Pa., and Ravenna, Ohio.

NOTE: The above operations will be conducted under individual contracts or agreements with persons as defined in section 203 (a) of the Interstate Commerce Act, whose

principal business is the manufacture, sale and distribution of baby feeding equipment and/or glass and plastic bottles, caps and discs.

HEARING: February 26, 1957, at the Old P. O. Building, Public Square & Superior Avenue, Cleveland, Ohio, before Examiner Herbert L. Hanback.

No. MC 116337, filed December 4, 1956, RICHARD S. JOHNSON, doing business as JOHNSON TRUCKING, 140 20th Ave., So., Hopkins, Minn. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Bldg., Minneapolis 2, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, bags, packages, or other containers, from Savage, Minneapolis, St. Paul and Duluth, Minn., and Superior, Wis., and points within the Commercial Zones thereof of each, to points in Iowa on and north of U. S. Highway 20, and those in North Dakota, South Dakota, Minnesota, Wisconsin and the Upper Peninsula of Michigan, and *grain, feed, fertilizer, and empty containers or other such incidental facilities* (not specified) used in transporting salt on return.

HEARING: February 18, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 116343, filed December 10, 1956, MILFORD L. MILLER AND SON PRODUCE COMPANY, a corporation, 1210 Virginia Avenue, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, dry, in bags, and *roofing materials*, from points in Jasper County, Mo., to points in Kansas on and west of U. S. Highway 281 and to points in Colorado, and *exempt agricultural commodities* on return.

HEARING: February 27, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 178.

No. MC 116345, filed December 10, 1956, H. E. SHIPP, doing business as SHIPP BROS. CO., 1851 Independence, Waterloo, Iowa. Applicant's representative: T. Eugene Thornton, 617 First Nat'l Bldg., Waterloo, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes and house trailers* between points in Iowa north of U. S. Highway 30 and points in Missouri, Colorado, Nebraska, and Kansas, and those in Illinois west of U. S. Highway 51 and south of U. S. Highway 30.

HEARING: February 28, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116346, filed December 12, 1956, WAYNE TURKS AND JOSEPH LEONARD, doing business as TURKS AND LEONARD AUTO BODY CO., 8316 N. W. National Ave., West Allis 19, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles, including wrecked or disabled vehicles*, in towaway service, between points in Milwaukee County, Wis., and points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

HEARING: March 6, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Alfred B. Hurley.

No. MC 116348, filed December 11, 1956, W. C. ICKES, Richlands, Va. Applicant's representative: Hubert Peery, Tazewell, Va. For authority to operate as a *contract carrier*, over regular routes, transporting: *Gasoline, fuel oil, and diesel oil*, in bulk, in tank vehicles, from Catlettsburg, Ky. to Richlands, Va., from Catlettsburg over U. S. Highway 23 to junction U. S. Highway 460, thence over U. S. Highway 460 to Richlands, and return over the same route, serving no intermediate points.

HEARING: March 8, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 262.

No. MC 116353, filed December 17, 1956, NORMAN E. ADKINS, 2796 Emmons Avenue, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, conducting a *retail delivery service*, only, for Montgomery Ward & Co., Huntington, W. Va., from Huntington to points in Lawrence, Gallia, Meigs, and Scioto Counties, Ohio and Boyd, Carter, Greenup, and Lawrence Counties, Ky., and *damaged and defective merchandise*, on return.

HEARING: March 8, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 62.

No. MC 116357 filed December 19, 1956, EARLE E. AKERS, 606 Ervin Street, Paris, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flour, corn meal, and animal and poultry feed*, in containers (other than hermetically sealed containers), from Hopkinsville, Ky., to points in Alabama, Georgia, Mississippi, and Tennessee.

HEARING: March 8, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Robert A. Joyner.

No. MC 116369 filed December 31, 1956, WILLIAM ROY CALHOUN, Petersburg, W. Va. Applicant's representative: James Paul Geary Petersburg, W. Va. For authority to operate as a *contract carrier*, over regular routes, transporting: *Fertilizer*, from Alexandria, Va., to Moorefield, W. Va., and Petersburg, W. Va., from Alexandria over Virginia Highway 7 to Winchester, Va., thence over U. S. Highway 50 to junction U. S. Highway 220 thence over U. S. Highway 220 to Moorefield and Petersburg, W. Va., serving no intermediate points.

HEARING: March 11, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 245.

MOTOR CARRIERS OF PASSENGERS

No. MC 113418 (Sub No. 1), filed August 23, 1956, DEWEES BUS LINES, a corporation, 28 1st Avenue, S. E., Oelwein, Iowa. Applicant's representative: Erwin Larson, Ellis Block, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Oelwein, Iowa, and points within sixty (60) miles thereof, and extending to points in the

United States, including the District of Columbia. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant states that transportation will be limited to charter groups only, but not limited to Schools and Colleges. Applicant further states that the purpose of this application is to extend its present operations to all of the other states in the United States and to remove the restrictions imposed in Certificate No. MC 113418 as to starting points. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: February 18, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116083, filed June 29, 1956, ROMUALDO DELGADILLO, doing business as BONNIE'S TRAVEL SERVICE, 1126 South Santa Fe St., El Paso, Tex. Applicant's representative: A. C. Gonzalez, Jr., El Paso National Bank Bldg., El Paso, Tex. For authority to operate as a common carrier, over irregular routes, transporting: *Passengers*, in sightseeing service, between points in the El Paso, Tex., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points on the International Boundary line between the United States and Mexico at El Paso. Issues originally published in FEDERAL REGISTER of July 18, 1956, as above.

HEARING: March 1, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 33.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

Motor carriers of property. No. MC 29120 (Sub No. 54), filed December 31, 1956, WILSON STORAGE AND TRANSFER CO., 110 North Reid St., Sioux Falls, S. Dak. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U. S. Highway 71 and Iowa Highway 10 north of Sioux Rapids, Iowa, and the junction of U. S. Highway 30 and Iowa Highway 150 at Cedar Rapids, Iowa, from the junction of U. S. Highway 71 and Iowa Highway 10 over U. S. Highway 71 to junction of Iowa Highway 3, thence over Iowa Highway 3 to the junction of Iowa Highway 150, thence over Iowa Highway 150 to the junction of U. S. Highway 30, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between junction of U. S. Highway 30 and Alternate U. S. Highway 30 west of Sterling, Ill., and Chicago, Ill., from the junction of U. S. Highway 30 and Alternate U. S. Highway 30 over U. S. Highway 30 to the junction of U. S. Highway 34, thence over U. S. Highway 34 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. 11—6

RESTRICTION: Carrier has the right to tack the above routes at junctions of U. S. Highways 30, 69 or 18, as alternate routes for operating convenience only in connection with its authorized regular route operations between Chicago, on the one hand, and, on the other, Sioux Falls on points west thereof, however, neither of such routes shall be used in the movement of any shipment to and from Spencer or Sheldon, Iowa, or any other point on carrier's routes east of Sioux Falls.

NOTE: Applicant requests that the record in MC 29120 (Sub No. 49) be considered in this application in addition to the statement of facts. Applicant is authorized to transport similar commodities in the States of South Dakota, Minnesota, Iowa, Nebraska and Illinois.

No. MC 109451 (Sub No. 67), filed December 20, 1956, ECOFF TRUCKING, INC., 112 Merrill St., Fortville, Ind. Applicant's representative: William J. Guenther, 1511 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a contract carrier, over irregular routes, transporting: *Alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Wichita, Kans. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Missouri, Wisconsin, Michigan, Kentucky, West Virginia, Pennsylvania, Iowa, Georgia, Florida, and Tennessee.

No. MC 113681 (Sub No. 11), filed January 3, 1957, BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum St., Hartford 3, Conn. For authority to operate as a contract carrier, over irregular routes, transporting: *Bakery products*, except frozen bakery products, under individual contracts or agreements with persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) who operate bakeries, the business of which is the sale of bread, cake and pastries, from Port Chester, N. Y., to Allentown, Bethlehem and Easton, Pa. *Stale, damaged and non-salable shipments* of the above-described commodities and *empty containers* used in transporting such commodities, on return. Applicant is authorized to transport similar commodities in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

No. MC 114110 (Sub No. 2), filed November 21, 1956, EDWARD CARL MOORE, doing business as HARRISONBURG MOTOR EXPRESS, P. O. Box 249, Harrisonburg, Va. Applicant's representative: Glenn F. Morgan, 1008 Warner Bldg., Washington 4, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Milk*, raw, pasteurized, and condensed, and cream, in containers, and in bulk, in tank vehicles, from Harrisonburg and Staunton, Va., to points in North Carolina and South Carolina, and *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified on return.

NOTE: Applicant states that the exempt commodities will be transported at the same time as non-exempt commodities. Ap-

plicant is authorized to conduct operations in Virginia, Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and West Virginia.

No. MC 116287, filed November 2, 1956, R. H. KNAPP AND T. T. TEMPLIN, doing business as ALL STATES TRAILER TRANSPORT COMPANY, 4551 1/2 Shore Drive, Norfolk 3, Va. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street, N. W., Washington 4, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *House trailers including furnishings therein*, designed to be drawn by passenger automobiles, in initial and secondary movements, in haulaway and truckaway service, between points in Princess Anne and Norfolk Counties, Va., (including Norfolk and Portsmouth, on the one hand, and, on the other, points in the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

Motor carriers of property. No. MC-F 6467, published in the December 19, 1956, issue of the FEDERAL REGISTER on page 10199. Supplemental application filed January 2, 1957, to show joinder of ARMLON LEONARD, MRS. REVA S. SAWYER, MRS. BETTY L. OZBURN AND MRS. LELIA LEONARD, all of 2595 Northwest 20th Street, Miami, Fla., as the persons in control of vendee.

No. MC-F 6472, published in the January 9, 1957, issue of the FEDERAL REGISTER on page 204. Application filed December 27, 1956, for temporary authority under section 210a (b).

No. MC-F 6477 (correction) published in the January 9, 1957, issue of the FEDERAL REGISTER on page 204. The authority being transferred should have included authority to transport such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging, and sawmill operations between points in Washington, Idaho, that part of Oregon east of the Cascade Mountains, and certain points in Montana. The phrase "machine parts not included above" should be corrected to read "machinery parts not included above."

No. MC-F 6486. Authority sought for purchase by A. W. HAWKINS, INC., 270 East Davis Street, Culpeper, Va., of a portion of the operating rights of E. J. DISHER, doing business as DISHER TRANSFER & STORAGE CO., 215 North Liberty Street, Winston-Salem, N. C., and for acquisition by A. W. HAWKINS, JR., also of Culpeper, of control of such rights through the purchase. Applicants' rep-

representative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, cigarettes, manufactured tobacco, liquors, wines, commodities in bulk, and those requiring special or refrigerated equipment, as a *common carrier* over a regular route between Winston-Salem, N. C., and Baltimore, Md., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Pennsylvania, Maryland, Delaware, New Jersey, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6487. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and certain property of ARIZONA-NEVADA EXPRESS, P. O. Box 4306, Phoenix, Ariz., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicants' representative: Paul M. Hupp, 738 Majestic Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Phoenix, Ariz., and Kingman, Ariz., and between Kingman, Ariz., and Alunite, Nev., serving certain intermediate and off-route points; alternate route for operating convenience only between Phoenix, Ariz., and Prescott, Ariz.; *general commodities*, with no exceptions, between Kingman and Prescott, Ariz., between Kingman and Davis Dam Site, Ariz., and between Artillery Peak and Yucca, Ariz., serving certain intermediate and off-route points; *general commodities*, except commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Bullhead City, Ariz., serving certain intermediate and off-route points; *general commodities* with certain exceptions including household goods and commodities in bulk, over regular and irregular routes, between Phoenix, Ariz., on the one hand, and on the other Davis Dam Site, Ariz., points within five miles of Davis Dam Site, and Kingman, Ariz., and points within 25 miles of Kingman, serving no intermediate points; *general commodities*, with no exceptions, over irregular routes, between Kingman, Ariz., and points within 25 miles of Kingman; *class A and B explosives*, between Kingman, Ariz., and points in Arizona within 50 miles of Kingman. Vendee is authorized to operate as a *common carrier* in California, New Mexico, Arizona, Texas, Nevada, Colorado, Illinois, Nebraska, Iowa, Missouri, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6488. Authority sought for control by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S. W., Grand Rapids, Mich., of MOSKOWITZ MOTOR TRANSPORTATION,

INC., East Main Street, Jewett City, Conn. Applicant's representative: Leonard D. Verdier, Jr., 300 Michigan Trust Bldg., Grand Rapids 2, Mich. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes between Putnam, Conn., and New York, N. Y., between New Haven, Conn., and Holyoke and North Wilbraham, Mass., between New London, Conn., and Pawcatuck, Conn., and the Connecticut-Rhode Island State line, between New Haven, Conn., and the Connecticut-Rhode Island State line, between Hartford, Conn., and the Connecticut-Massachusetts State line, and between New Haven, Conn., and Torrington and Seymour, Conn., serving certain intermediate and off-route points; *cotton piece goods*, between Fiskdale, Mass., and junction Connecticut Highways 131 and 12, serving the intermediate point at Sturbridge, Mass.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between New London, Conn., on the one hand, and, on the other, points within 20 miles of New London, and between points in Bergen, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Passaic, and Somerset Counties, N. J., on the one hand, and, on the other, New York, N. Y.; household goods, as defined by the Commission, between New London, Conn., and points within 20 miles of New London, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island; *automobile tires, chemicals, dyes, colors, color starch, paper, rags, cotton waste, scrap metals, engravers machinery and supplies, lathes, shoddy, wool, cotton and rayon piece goods, textile machinery, motors, petroleum products*, in containers, *wool softener and wool oil*, from, to or between points and areas, varying with the commodity transported, in Rhode Island, Connecticut, Massachusetts, New Jersey, and New York. INTERSTATE MOTOR FREIGHT SYSTEM is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Delaware and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6489. Authority sought for control by BURREN TRANSFER COMPANY, 156 South Melrose Avenue, Elgin, Ill., of GOLD STAR MOTOR SERVICE, INC., 322 North Hough Street, Barrington, Ill., and for acquisition by WALTER SCHOCK and MICHAEL UMBDENSTOCK, both of Elgin, of control of GOLD STAR MOTOR SERVICE, INC., through the acquisition by BURREN TRANSFER COMPANY. Applicant's representatives: Earl Girard, 6739 Beckwith, Morton Grove, Ill., and Franklin R. Overmyer, 111 West Monroe Street, Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *com-*

mon carrier over regular routes between Harvard, Ill., and Chicago, Ill., and between Elgin, Ill., and Chicago and Crystal Lake, Ill., serving all intermediate and certain off-route points; operations under the Second Proviso of section 206 (a) (1) in the transportation of *general freight* as a *local carrier* within a radius of fifty miles from Barrington, Ill. BURREN TRANSFER COMPANY is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6490. Authority sought for purchase by DANIELS MOTOR FREIGHT, INC., Niles Road Extension, Warren, Ohio, of the operating rights of Ethel J. Stahl, doing business as CITY EXPRESS & TRANSFER CO., 912 North First Street, St. Louis 2, Mo., and for acquisition by J. W. COX, also of Warren, of control of such rights through the purchase. Applicants' representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, New Jersey, New York, West Virginia, Ohio, Indiana, Michigan and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6491. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of a portion of the operating rights of LUPER TRANSPORTATION COMPANY OF OKLAHOMA, 801 North Darlington Street, Tulsa, Okla., and for acquisition by R. B. GOTTFREDSON and C. B. GOTTFREDSON, both of Detroit, of control of such rights through the purchase. Applicants' representatives: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind., Lee Reeder and Wentworth E. Griffin, both of 1012 Baltimore Bldg., Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including Class A and B explosives and household goods, but excluding commodities in bulk, as a *common carrier* over regular routes between Oklahoma City, Okla., and Sapulpa, Okla., between Atoka, Okla., and Tulsa, Okla., between Calvin, Okla., and McAlester, Okla., and between Ada, Okla., and Allen, Okla., serving all intermediate points; *general commodities*, with certain exceptions including Class A and B explosives, household goods and commodities in bulk, between specified Oklahoma points, between Durant, Okla., and De Queen, Ark., and between Kansas City, Mo., and Tulsa, Okla., serving certain intermediate and off-route points; alternate routes for operating convenience only between Tulsa, Okla., and Atoka, Okla., between Olathe, Kans., and Garnett, Kans., between Denison, Tex., and Dallas, Tex., and between Coffeyville, Kans., and Collinsville, Okla.;

general commodities, except Class A and B explosives, between Dallas, Tex., and Oklahoma City, Okla., and between Durant, Okla., and Atoka, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between Oklahoma City, Okla., and Dallas, Tex.; *general commodities*, with certain exceptions including Class A and B explosives, and household goods but excluding commodities in bulk, over irregular routes between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla.; *household goods*, as defined by the Commission between points in Oklahoma within 100 miles of Shawnee, Okla., on the one hand, and, on the other, points in Kansas. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, West Virginia, Delaware, Connecticut, Iowa, Nebraska, Minnesota, Colorado, Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6492. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., of the operating rights and certain property of HIGHWAY MOTOR FREIGHT, INC., P. O. Box 451, Hastings, Nebr., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the purchase. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes, from Hastings, Nebr., to Eustis, Nebr., between Hastings, Nebr., and Maywood, Nebr., and between Omaha, Nebr., and McCook, Nebr., serving certain intermediate points and the off-route point of Orafino, Nebr.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Council Bluffs, Iowa, and Lincoln, Harrison, Alliance and McCook, Nebr., between Akron, Colo., and Sterling and Denver, Colo., and between Akron, Colo., and McCook, Nebr., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Omaha, Nebr., and between points in Omaha, Nebr., on the one hand, and, on the other, points in Council Bluffs, Iowa; *salt*, from Lyons, Hutchinson, and Kanopolis, Kans., to certain points in Colorado; *livestock feed and seed*, from points in Nebraska, Iowa and Kansas and certain points in Missouri to points in Yuma County, Colo.; *livestock, farm machinery, used farm equipment, emigrant movables, and farm products*, between points in Yuma, Washington and Phillips Counties, Colo., on the one hand, and, on the other, points in Nebraska, Iowa and Kansas, and cer-

tain points in Missouri; *building and fencing materials, machinery, used household goods, and livestock feed*, including salt and seed, between farms or between farms and towns in Phillips, Yuma, and Washington Counties, Colo., on the one hand, and, on the other, certain points in Kansas and Nebraska. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Montana, Utah, Washington, California and Nevada. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6494. Authority sought for control by JACK COLE COMPANY, 1900 Vanderbilt Road, Birmingham, Ala., of B. C. TRUCK LINES, INC., P. O. Box 678, La Grange, Ga., and for acquisition by J. B. COLE, JR., also of Birmingham, of control of B. C. TRUCK LINES, INC., through the acquisition by JACK COLE COMPANY. Applicant's representatives: B. A. Monaghan, 2100 Comer Bldg., Birmingham, Ala., and H. C. Ephraim, 1001 15th Street, N. W., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between La Grange, Ga., on the one hand, and, on the other, points in Alabama and Georgia. JACK COLE COMPANY is authorized to operate as a *common carrier* in Alabama, Pennsylvania, New York, Michigan, Illinois, Ohio, Tennessee, Georgia, Indiana, Rhode Island and Massachusetts. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 57-281; Filed, Jan. 15, 1957;
8:45 a.m.]

PRESIDENTIAL INAUGURAL CEREMONIES WASHINGTON BY-PASS HIGHWAYS FOR MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of January A. D. 1957. Highways authorized to enable motor carriers to by-pass Washington, D. C., during the period January 19, 20, 21, and 22, 1957.

The above matter coming on for consideration:

It appearing that during January 19, 20, 21, and 22, 1957, there will be considerable congestion on the streets and highways in and about Washington, D. C., due to Presidential Inaugural Ceremonies at that time;

It further appearing that the use of the highways specified below as alternate routes by motor common and contract carriers subject to the Interstate Commerce Act which are now authorized to operate over U. S. Highway 1 between Richmond, Va., and Baltimore, Md., via Washington, D. C., would materially relieve such congestion, and good cause therefor appearing:

It is ordered, That motor carriers holding authority from this Commission to operate over U. S. Highway 1 between Richmond, Va., and Baltimore, Md., via Washington, D. C., may, without obtaining prior authority therefor, operate over the following alternate routes, in performing their presently authorized service, between the points indicated:

Between Richmond, Va., and Baltimore, Md.:

From Richmond over U. S. Highway 1 to junction Virginia Highway 207, thence over Virginia Highway 207 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; or

From Richmond over U. S. Highway 1 to Fredericksburg, Va., thence over Virginia Highway 3 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; or

From Richmond over U. S. Highway 360 to junction U. S. Highway 17, thence over U. S. Highway 17 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; and

Return over either of the above-described routes to Richmond.

It is further ordered, That this order shall be effective only for the period of January 19, 20, 21, and 22, 1957.

By the Commission, Division 1.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 57-329; Filed, Jan. 15, 1957;
8:53 a.m.]

[Special Permission No. 71468]

SOUTHERN TERRITORY INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January 1957.

Upon consideration of a petition filed January 8, 1957, by M. B. Duggan, Agent, and A. J. Dixon, and other attorneys, for and on behalf of certain rail carriers, as amended, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish and file a general increase of five percent in passenger fares and charges within southern territory and between southern territory, on the one hand, and eastern and western territories, on the other, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increase in fares and charges;

For good cause shown: It is ordered:

1. Carriers for and on whose behalf the above-mentioned petition, as amended, was filed, and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares), as set forth in the petition, as amended, in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 71468 of January 11, 1957.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 71468 of January 11, 1957.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-330; Filed, Jan. 15, 1957;
8:53 a. m.]

[No. 32099]

SOUTHERN TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January A. D. 1957.

It appearing that on January 8, 1957, a petition, as amended, was filed by agents and attorneys for and on behalf of certain southern railroads described in the petition for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of five percent in passenger fares and charges within southern territory and between southern territory, on the one hand, and eastern and western territories, on the other, as set forth in the

petition, as amended, and for the modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs;

It further appearing that on January 11, 1957, special permission order No. 71468¹ was issued to permit the filing of tariffs containing the proposed increase in fares and charges, which tariffs will be subject to protest, suspension, or rejection;

It further appearing that the petitioners will file simultaneously with the publication of the said tariffs verified statements in justification of said fares, and that a copy of said petition and verified statements will be furnished to any interested party upon request addressed to Mr. M. B. Duggan, Southern Passenger Association, Room 8, Terminal Station, Atlanta, Ga.

And it further appearing that the above petitioners request that the following outstanding order be further amended to the extent necessary to permit the proposed fares and charges to be established: No. 26550, Passenger Fares and Surcharges, as amended.

Upon consideration of the above-described petition, and good cause appearing therefor:

It is ordered, That protests to the entry of an order further modifying the Commission's order in No. 26550 as amended may be filed with the Commission on or before February 6, 1957. Protests should give the reasons therefor, and a copy should be furnished to Mr. M. B. Duggan, Southern Passenger Association, Room 8, Terminal Station, Atlanta 3, Ga.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-332; Filed, Jan. 15, 1957;
8:53 a. m.]

[Special Permission No. 71469]

NEW ENGLAND TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January 1957.

Upon consideration of a petition filed January 8, 1957, by W. H. Clifford, Agent, and J. W. Grady and other attorneys, for and on behalf of certain rail carriers, as amended, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them

to publish a general increase of five percent, with certain exceptions, in passenger fares and charges within New England territory and between New England territory and other territories, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increases in fares and charges;

For good cause shown: It is ordered:

1. Carriers for and on whose behalf the above-mentioned petition, as amended, was filed and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares), as set forth in the petition, as amended, in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 71469 of January 11, 1957.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 71469 of January 11, 1957.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-331; Filed, Jan. 15, 1957;
8:53 a. m.]

¹ See F. R. Doc. 57-330, supra.

[No. 32102]

NEW ENGLAND TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January A. D. 1957.

It appearing that on January 8, 1957, a petition, as amended, was filed by agents and attorneys for and on behalf of certain New England railroads described in the petition for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of five percent in passenger fares and charges, within New England and between New England territory and other territories, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs;

It further appearing, that on January 11, 1957, special permission order No. 71469¹ was issued to permit the filing of tariffs containing the proposed increase in fares and charges, which tariffs will be subject to protest, suspension, or rejection.

It further appearing, that the petitioners will file simultaneously with the publication of the said tariffs verified statements in justification of said fares, and that a copy of said petition and verified statements will be furnished to any interested party upon request addressed to Mr. J. W. Grady, 54 Meadow Street, New Haven, Connecticut.

And it further appearing, that the above petitioners request that the following outstanding order be further amended to the extent necessary to permit the proposed fares and charges to be established: No. 26550, Passenger Fares and Surcharges, as amended.

Upon consideration of the above-described petition, and good cause appearing therefor:

It is ordered, That protests to the entry of an order further modifying the Commission's order in No. 26550 may be filed with the Commission on or before February 6, 1957. Protests should give the reason therefor, and a copy should be furnished to Mr. J. W. Grady, 54 Meadow Street, New Haven, Connecticut.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-333; Filed, Jan. 15, 1957;
8:53 a. m.]

¹ See F. R. Doc. 57-331, *supra*.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5607]

UTAH

LOAN ANNOUNCEMENT

DECEMBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Utah 8Y Duchesne	\$569,000

[SEAL]

FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-300; Filed, Jan. 15, 1957;
8:49 a. m.]

[Administrative Order 5608]

WASHINGTON

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 3, 1956.

I hereby amend:

(a) Paragraph "(b)" of Administrative Order No. 5257, dated January 20, 1956 (amending Administrative Order No. 415, dated December 1, 1939) by rescinding the assigned allocation of \$3,020.23 therein designated "Washington 18TA2 Spokane (Washington O-R9035W1 Pend Oreille)"; and

(b) Paragraph "(i)" of Administrative Order No. 5257, dated January 20, 1956 (amending Administrative Order No. 3902, dated December 18, 1952) by rescinding the assigned loan of \$7,900 therein designated "Washington 18TA2 Spokane (Washington 35K Pend Oreille)".

[SEAL]

FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-301; Filed, Jan. 15, 1957;
8:49 a. m.]

[Administrative Order 5609]

OHIO

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Inasmuch as South-Central Rural Electric Cooperative, Inc., has transferred certain of its properties and assets to Ohio-Midland Light and Power Company, and Ohio-Midland Light and Power Company has assumed in part the indebtedness to United States of America, of South-Central Rural Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 802, dated January 20, 1944, by changing the project designation appearing therein as "Ohio 4-2065F2 Fairfield" in the amount of \$1,410,883 to read "Ohio 4-2065F2

Fairfield" in the amount of \$701,975.85 and "Ohio 95TP3 Franklin (Ohio 4-2065F2 Fairfield)" in the amount of \$708,907.15.

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-302; Filed, Jan. 15, 1957;
8:49 a. m.]

[Administrative Order 5610]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 22L McKinley	\$225,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-303; Filed, Jan. 15, 1957;
8:49 a. m.]

[Administrative Order 5611]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 101S Parker	\$406,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-304; Filed, Jan. 15, 1957;
8:49 a. m.]

[Administrative Order 5612]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 28T Champaign	\$335,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-305; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5613]

WISCONSIN

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

I hereby amend:

(a) Administrative Order No. 3792, dated August 21, 1952, by reducing the loan of \$50,000 therein made for "Wisconsin 41M Vernon" by \$30,000 so that the reduced loan shall be \$20,000.

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-306; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5614]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Florida 34S Bay----- \$50,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-307; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5615]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Iowa 23R Crawford----- \$25,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-308; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5616]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Iowa 18F Wright----- \$15,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-309; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5617]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 40V Brunswick. \$1,525,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-310; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5618]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
South Carolina 29N Sumter--- \$1,150,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-311; Filed, Jan. 15, 1957;
8:50 a. m.]

[Administrative Order 5619]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 33T Martin----- \$275,000

[SEAL]

DAVID A. HAMIL,
Administrator.[F. R. Doc. 57-312; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5620]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Alabama 42G Montgomery----- \$4,698,000

[SEAL]

FRED H. STRONG,
Acting Administrator.[F. R. Doc. 57-313; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5621]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Montana 33K Custer----- \$719,000

[SEAL]

FRED H. STRONG,
Acting Administrator.[F. R. Doc. 57-314; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5622]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 28T Conway----- \$50,000

[SEAL]

FRED H. STRONG,
Acting Administrator.[F. R. Doc. 57-315; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5623]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Georgia 86T Seminole----- \$40,000

[SEAL]

FRED H. STRONG,
Acting Administrator.[F. R. Doc. 57-316; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5624]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Kansas 28P Norton----- \$980,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-317; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5625]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Dakota 11AA Cass----- \$780,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-318; Filed, Jan. 15, 1957;
8:51 a. m.]

[Administrative Order 5626]

VIRGINIA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Virginia 27AF Nottoway----- \$950,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-319; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5627]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Texas 53N McLennan----- \$442,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-320; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5628]

ALASKA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Alaska 5K Kenai----- \$25,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-321; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5629]

OKLAHOMA

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

I hereby amend:

(a) Administrative Order No. 5298, dated February 29, 1956, by rescinding the loan of \$50,000 therein made for "Oklahoma 6 AC Caddo".

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-322; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5630]

TEXAS

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

I hereby amend:

(a) Administrative Order No. 4826, dated December 16, 1954, by reducing the loan of \$50,000 therein made for "Texas 107Z Martin" by \$1,094 so that the reduced loan shall be \$48,906.

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-323; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5631]

CALIFORNIA

LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
California 35F Sacramento District Public----- \$8,883,000

[SEAL]

DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-324; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5632]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 26AD Fulton----- \$250,000

[SEAL]

R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-325; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5633]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Texas 123R Baylor----- \$634,000

[SEAL]

R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-326; Filed, Jan. 15, 1957;
8:52 a. m.]

[Administrative Order 5634]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on

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behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 49G Cheyenne-----	\$240,000

[SEAL]

R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-327; Filed, Jan. 15, 1957;
8:53 a. m.]

[Administrative Order 5635]

MISSISSIPPI

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed

on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 31 "U" Washington--	\$50,000

[SEAL]

R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-328; Filed, Jan. 15, 1957;
8:53 a. m.]